



**NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY, APRIL 21, 2016 AT 1:00 P.M.
SECOND FLOOR CITY HALL
COUNCIL CHAMBERS
200 W. VULCAN
BRENHAM, TEXAS**

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Mayor Pro Tem Nix**
- 3. Citizens Comments**

CONSENT AGENDA

4. Statutory Consent Agenda

The Statutory Consent Agenda includes non-controversial and routine items that Council may act on with one single vote. A councilmember may pull any item from the Consent Agenda in order that the Council discuss and act upon it individually as part of the Regular Agenda.

- 4-a. Ordinance No. O-16-008 on Its Second Reading Amending the Water Conservation Plan for the City of Brenham** **Pages 1-16**

PUBLIC HEARING

- 5. Public Hearing to Consider an Amendment of the City of Brenham’s “Envision 2020” Comprehensive Plan Future Land Use Map to Change the District From a Recreational/Open Space District to a Multifamily District on a Tract of Land Described as 4.293 Acres Out of the Phillip Coe Survey, A-31, Located on the North Side of Old Mill Creek Road in Brenham, Washington County, Texas** **Pages 17-21**

6. **Public Hearing to Consider an Amendment to the Official Zoning Map of the City of Brenham, to Change the Zoning District From a Single Family Residential Use (R-1) District to a Mixed Residential Use (R-2) District on a Tract of Land Described as 4.293 Acres Out of the Phillip Coe Survey, A-31, Located on the North Side of Old Mill Creek Road in Brenham, Washington County, Texas [Pages 22-32](#)**
7. **Public Hearing to Consider an Amendment of Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham Granting a Specific Use Permit to Allow a Multifamily Development on a Site of Two (2) or More Acres of Land Being Described as 4.293 Acres Out of the Phillip Coe Survey, A-31, Located on the North Side of Old Mill Creek Road in Brenham, Washington County, Texas [Pages 33-44](#)**
8. **Public Hearing to Consider an Amendment of the City of Brenham’s “Envision 2020” Comprehensive Plan Future Land Use Map to Change the District From a Recreational/Open Space District to a Commercial/Retail District on a Tract of Land Described as 2.119 Acres Out of the Phillip Coe Survey, A-31, Located at the Northwest Corner of the Intersection of Old Mill Creek Road and S. Saeger Street in Brenham, Washington County, Texas [Pages 45-49](#)**
9. **Public Hearing to Consider an Amendment to the Official Zoning Map of the City of Brenham, to Change the Zoning District from a Single Family Residential Use (R-1) District to a Local Business/Residential Mixed Use (B-1) District on a Tract of Land Described as 2.119 Acres Out of the Phillip Coe Survey, A-31, Located on the Northwest Corner of the Intersection of Old Mill Creek Road and S. Saeger Street in Brenham, Washington County, Texas [Pages 50-59](#)**

REGULAR SESSION

10. **Discuss and Possibly Act Upon Resolution No. R-16-010 Providing for an Amendment to the City of Brenham’s “Envision 2020” Comprehensive Plan Future Land Use Map to Change the District From Recreational/Open Space District to a Multifamily District on a Tract of Land Described as 4.293 Acres Out of the Phillip Coe Survey, A-31, Located on the North Side of Old Mill Creek Road in Brenham, Washington County, Texas [Pages 60-63](#)**
11. **Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the Official Zoning Map of the City of Brenham, to Change the Zoning District From a Single Family Residential Use (R-1) District to a Mixed Residential Use (R-2) District on a Tract of Land Described as 4.293 Acres Out of the Phillip Coe Survey, A-31, Located on the North Side of Old Mill Creek Road in Brenham, Washington County, Texas [Pages 64-68](#)**

12. **Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham Granting a Specific Use Permit to Allow a Multifamily Development on a Site of Two (2) or More Acres of Land Being Described as 4.293 Acres Out of the Phillip Coe Survey, A-31, Located on the North Side of Old Mill Creek Road in Brenham, Washington County, Texas** **Pages 69-74**
13. **Discuss and Possibly Act Upon Resolution No. R-16-011 Providing for an Amendment to the City of Brenham’s “Envision 2020” Comprehensive Plan Future Land Use Map to Change the District From a Recreational/Open Space District to a Commercial/Retail District on a Tract of Land Described as 2.119 Acres Out of the Phillip Coe Survey, A-31, Located at the Northwest Corner of the Intersection of Old Mill Creek Road and S. Saeger Street in Brenham, Washington County, Texas** **Pages 75-78**
14. **Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the Official Zoning Map of the City of Brenham, to Change the Zoning District from a Single Family Residential Use (R-1) District to a Local Business/Residential Mixed Use (B-1) District on a Tract of Land Described as 2.119 Acres Out of the Phillip Coe Survey, Located on the Northwest Corner of the Intersection of Old Mill Creek Road and S. Saeger Street in Brenham, Washington County, Texas** **Pages 79-83**
15. **Discuss and Possibly Act Upon Resolution No. R-16-013 Providing for an Amendment of the City of Brenham’s “Envision 2020” Comprehensive Plan Future Land Use Map to Change the Designation From Single Family Residential Use to Commercial/Retail Use on Certain Land Described as Block 9, Washington Terrace Addition, Out of the A. Harrington Survey, A-55, Said Land Being Bounded on the North by Rucker Street, on the East by North Park Street, on the South by West Blue Bell Road, and on the West by Ewing Street in Brenham, Washington County, Texas** **Pages 84-87**
16. **Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the Official Zoning Map of the City of Brenham, to Change the Zoning District From a Single Family Residential Use (R-1) District to a Local Business/Residential Mixed Use (B-1) District on a Tract of Land Described as Lot 7A and Lot 11A, Block 9, Washington Terrace Addition, Out of the A. Harrington Survey, A-55, Located at the Southeast Intersection of Ewing Street and Rucker Street in Brenham, Washington County, Texas** **Pages 88-92**

WORK SESSION

17. **Presentation and Discussion Regarding Staffing and Possible Locations for a Future City of Brenham Fire Department Substation** **Pages 93-103**

RE-OPEN REGULAR SESSION

18. **Discuss and Possibly Act Upon a Contract for Participation in the City of Brenham's Rotation Log for Non-Consent Tows and Authorize the City Manager to Execute Any Necessary Documentation** **Pages 104-140**
19. **Discuss and Possibly Act Upon a Request for a Noise Variance from Shawna Wills for a Graduation Dinner at 705 E. Sixth Street to be Held on May 7, 2016 from 3:00 p.m. – 10:00 p.m. and Authorize the Mayor to Execute Any Necessary Documentation** **Pages 141-142**
20. **Administrative/Elected Officials Report**

EXECUTIVE SESSION

21. **Section 551.072 – Texas Government Code – Deliberation Regarding Real Property – Deliberation Regarding Saeger Street Right-Of-Way, Its Value and Associated Issues** **Page 143**

Administrative/Elected Officials Reports: Reports from City Officials or City staff regarding items of community interest, including expression of thanks, congratulations or condolences; information regarding holiday schedules; honorary or salutary recognitions of public officials, public employees or other citizens; reminders about upcoming events organized or sponsored by the City; information regarding social, ceremonial, or community events organized or sponsored by a non-City entity that is scheduled to be attended by City officials or employees; and announcements involving imminent threats to the public health and safety of people in the City that have arisen after the posting of the agenda.

Adjourn

Executive Sessions: The City Council for the City of Brenham reserves the right to convene into executive session at any time during the course of this meeting to discuss any of the matters listed, as authorized by Texas Government Code, Chapter 551, including but not limited to §551.071 – Consultation with Attorney, §551.072 – Real Property, §551.073 – Prospective Gifts, §551.074 - Personnel Matters, §551.076 – Security Devices, §551.086 - Utility Competitive Matters, and §551.087 – Economic Development Negotiation

CERTIFICATION

I certify that a copy of the April 21, 2016 agenda of items to be considered by the City of Brenham City Council was posted to the City Hall bulletin board at 200 W. Vulcan, Brenham, Texas on April 18, 2016 at **12:45 PM**.

Kacey A. Weiss

Deputy City Secretary

Disability Access Statement: This meeting is wheelchair accessible. The accessible entrance is located at the Vulcan Street entrance to the City Administration Building. Accessible parking spaces are located adjoining the entrance. Auxiliary aids and services are available upon request (interpreters for the deaf must be requested twenty-four (24) hours before the meeting) by calling (979) 337-7567 for assistance.

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the _____ day of _____, 2016 at _____ AM PM.

Signature

Title

ORDINANCE NO. O-16-008

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, ADOPTING A REVISED WATER CONSERVATION PLAN; ESTABLISHING CRITERIA FOR IMPLEMENTATION AND ENFORCEMENT; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Brenham, Texas (the “City”), recognizes that the amount of water available to its water customers is limited; and

WHEREAS, the City recognizes that due to natural limitations, drought conditions, system failures and other acts of God which may occur, the City cannot guarantee an uninterrupted water supply for all purposes at all times; and

WHEREAS, the City has determined an urgent need exists and it is in the best interest of the public to adopt a Water Conservation Plan; and

WHEREAS, pursuant to Chapter 54 of the Texas Local Government Code and Chapter 11 of the Texas Water Code, the City is authorized to adopt such Ordinances necessary to preserve and conserve its water resources; and

WHEREAS, on June 2, 2011 the City Council adopted Ordinance No. O-11-006 approving a Water Conservation Plan; and

WHEREAS, the City Council of the City of Brenham desires to adopt a revised Water Conservation Plan;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS THAT:

SECTION 1.

That the City of Brenham, Texas Water Conservation Plan, as revised, attached hereto as Exhibit “A” and made part hereof for all purposes be, and the same is hereby, adopted as the official Water Conservation Plan of the City.

SECTION 2.
SAVINGS CLAUSE

All provisions of any ordinance, resolution or other action of the City in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portions of said ordinances, resolutions or other actions shall remain in full force and effect.

SECTION 3.
SEVERABILITY

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentences and clauses and phrases remaining should any provision be declared unconstitutional or invalid.

SECTION 4.
REPEALER

The provisions of Ordinance No. O-11-006, adopted on June 2, 2011, related to the City of Brenham's Water Conservation Plan are hereby repealed. All other provisions in said Ordinance No. O-11-006 not in conflict with this Ordinance shall remain in effect.

SECTION 5.
EFFECTIVE DATE

This Ordinance shall become effective upon adoption and publication as required by law.

SECTION 6.
PROPER NOTICE AND MEETINGS

It is hereby officially found and determined that the meetings at which this Ordinance was passed were open to the public as required and that public notice of the time, place and purpose of said meetings were given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED, on its first reading on this the 7th day of April, 2016.

PASSED AND APPROVED, on its second reading on this the 21st day of April, 2016.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary



City of Brenham Water Conservation Plan

April - 2016

September - 1999
Revised July - 2001
Revised September - 2005
Revised April - 2011

Prepared by:
Pledger Kalkomey, Consulting Engineer: September – 1999
City of Brenham: Revisions July 2001
O'Malley Engineers: Revisions September 2005
City of Brenham: Revisions April 2011
City of Brenham: Revisions April 2016

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APPENDICES

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| Appendix B | Utility Profile |
| Appendix C | Water System Description and Map |
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| Appendix E | Water Conservation Plan Annual Report |
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WATER CONSERVATION PLAN

**CITY OF BRENHAM
1105 SOUTH AUSTIN STREET
BRENHAM, TEXAS 77833
PWS # 2390001
CCN # 10343**

APRIL – 2016

SECTION 1

INTRODUCTION

Water supply has always been a key issue in the development of Texas. The growing population and development has led to increasing demands for water supplies. The purpose of this Water Conservation Plan (the Plan) is to improve the efficiency in the use of water through practices and techniques that will reduce the consumption of water, reduce the loss of water and increase the reuse of water.

The Texas Commission on Environmental Quality (TCEQ) has developed guidelines and requirements governing the development of water conservation plans. The City of Brenham (the City) has developed this water conservation plan in accordance with the TCEQ guide lines and requirements. This Plan is designed to meet Title 30, Part 1, Chapter 288, Subchapter A Rule 288.2 of the Texas Administrative Code (TAC).

SECTION 2

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) RULES

TCEQ rules governing the development of water conservation plans for Municipal Uses by Public Water Suppliers, such as Brenham, are contained in Title 30, Part 1, Chapter 288, Subchapter A Rule 288.2 of the Texas Administrative Code (TAC). A copy of these rules is included in Appendix A. The elements in the TCEQ water conservation rules covered in the conservation plan are listed below.

Minimum Conservation Plan Requirements

TCEQ definitions, guidelines and requirements pertaining to Water Conservation Plans and Water Conservation Plans for Municipal Uses by Public Water Suppliers are provided in Appendix A. Minimum plan requirements are addressed in the following sections:

| <u>Rule</u> | <u>Subject</u> | <u>Section</u> |
|----------------|--|----------------|
| 288.2(a)(1)(A) | Utility Profile | Section 3 |
| 288.2(a)(1)(B) | A Record Management System | Section 4 |
| 288.2(a)(1)(C) | Specific, Quantified 5 & 10 Year Goals & Targets | Section 5 |
| 288.2(a)(1)(D) | Metering Devices – Source Supply | Section 6 |
| 288.2(a)(1)(E) | Universal Metering | Section 7 |
| 288.2(a)(1)(F) | Measures to Determine and Control of Water Loss | Section 8 |
| 288.2(a)(1)(G) | Public Education and Information Program | Section 9 |
| 288.2(a)(1)(H) | Water Rate Structure | Section 10 |
| 288.2(a)(1)(I) | Reservoir System Operation Plan | Section 11 |
| 288.2(a)(1)(J) | Means of Implementation and Enforcement | Section 12 |
| 288.2(a)(1)(K) | Coordination with Regional Water Planning Group | Section 13 |
| 288.2(c) | Review and Update of plan | Section 16 |

Additional Requirements (Population over 5,000)

The TCEQ includes additional requirements for water conservation plans for drinking water supplies serving a population over 5,000:

| | | |
|----------------|---|------------|
| 288.2(a)(2)(A) | Leak Detection, Repair and Water Loss | Section 14 |
| 288.2(a)(2)(B) | Wholesale Customer Requirements (if applicable) | Section 14 |

Additional Conservation Strategies

The TCEQ lists additional conservation strategies, which may be adopted by suppliers but are not required. Additional strategies are as follows:

| | | |
|----------------|--------------------------------------|------------|
| 288.2(a)(3)(A) | Conservation oriented water rates | Section 15 |
| 288.2(a)(3)(B) | Ordinances, Plumbing Codes and Rules | Section 15 |
| 288.2(a)(3)(C) | Retrofit Program | Section 15 |
| 288.2(a)(3)(D) | Reuse and Recycling of Wastewater | Section 15 |
| 288.2(a)(3)(F) | Water Conserving Landscape | Section 15 |

SECTION 3

WATER UTILITY PROFILE

The utility profile is in accordance with the Texas Water Use Methodology and includes information regarding population, customer data, water use data, water supply system data and wastewater system data. A copy of Brenham's Utility Profile for Retail Water Supplier is provided in Appendix B. The water system description and map is included in Appendix C. The wastewater system description and map is included in Appendix D.

SECTION 4

RECORD MANAGEMENT SYSTEM

The City maintains a record management system for billing and reporting that shows metered-billed and metered-unbilled monthly water consumption. Meter-billed water consumption is segregated into water classes aligned with the City's rate tariffs. The primary classes are residential and commercial. At the end of 2015, the City added a second report to the billing system to aid in the analysis of data pertaining to water conservation efforts. The new report realigns the billing data into the following sectors:

- Residential
- Single family
- Multi-family
- Commercial
- Institutional
- Industrial
- Agricultural

The Section II, System Data contained in the Utility Profile reflects the new sector realignment for current and prior years (historical) accounting information.

SECTION 5

SPECIFIC, QUANTIFIED 5 & 10 YEAR GOALS & TARGETS

TCEQ rules require the adoption of specific, quantified water conservations goals and targets as part of the Plan. The City of Brenham has developed 5-year and 10-year municipal water saving goals and targets which align with the Brazos River Authority's (BRA) goals and targets for municipal customers located within the Brazos G Regional Water Planning Area. The City's annual reduction goals in terms of total GPCD and residential GPCD satisfy the 1 percent reduction minimum in the BRA plan. The specific, quantified goal for the City of Brenham's total GPCD and residential GPCD is:

- A minimum of 1% reduction in GPCD per year for the next 10 years.

The targets for this goal are established under normalized weather patterns. Actual GPCD results may be higher in drought conditions and lower in years with significant, above average rainfall. Table 5-1 specifies GPCD yearly targets for total supply, residential-single, residential-multi and total residential customers.

Table 5-1

| Year | Total Supply | Resid-Single | Resid-Multi | Resid-Total |
|---------------|---------------------|---------------------|--------------------|--------------------|
| 2011-2015 Avg | 182 | 95 | 77 | 92 |
| 2016 | 175 | 90 | 73 | 87 |
| 2017 | 172 | 89 | 72 | 86 |
| 2018 | 169 | 88 | 71 | 85 |
| 2019 | 166 | 87 | 70 | 84 |
| 2020 | 164 | 86 | 69 | 83 |
| 2021 | 162 | 85 | 68 | 82 |
| 2022 | 160 | 84 | 67 | 81 |
| 2023 | 158 | 83 | 66 | 80 |
| 2024 | 156 | 82 | 65 | 79 |
| 2025 | 154 | 81 | 64 | 78 |

The maximum acceptable water loss goal for distribution systems within the BRA's service area is 12 percent. The City of Brenham's water loss experience is well below this maximum. The specific, quantified goal for the City of Brenham's water loss is:

- Reduce the water loss ratio and water loss GPCD each year for the next 10 years.

The targets for this goal are shown in Table 5-2. The water loss in GPCD is based on projected water demands for the next 10 years.

Table 5-2

| Year | Water Loss % | Water Loss GPCD |
|---------------|---------------------|------------------------|
| 2011-2015 Avg | 5.6 | 10 |
| 2016 | 6.5 | 11 |
| 2017 | 6.4 | 11 |
| 2018 | 6.3 | 11 |
| 2019 | 6.2 | 10 |
| 2020 | 6.1 | 10 |
| 2021 | 6.0 | 10 |
| 2022 | 5.9 | 9 |
| 2023 | 5.8 | 9 |
| 2024 | 5.7 | 9 |
| 2025 | 5.6 | 9 |

SECTION 6

METERING DEVICES- SOURCE OF SUPPLY

The City meters the amount of raw water diverted from the source of supply, Lake Somerville. The meter measures within a 5% accuracy and meets the requirements of TAC 304.13. The meter is calibrated annually and is continuously monitored by the City's SCADA system.

SECTION 7

PROGRAM FOR UNIVERSAL METERING, METER TESTING, REPAIR & REPLACEMENT

Over 88% of water usage within the City of Brenham's system is metered, including both customer and public uses of water. Meters measuring water usage within the water treatment plant are calibrated annually and continuously monitored via SCADA. Some water used for municipal purposes (e.g. park irrigation) is metered but unbilled. Between the years 2011 to 2014, the City replaced all of its customer water meters as part of an AMI initiative. Therefore, most of the meters in the customer system are less than five years old. The AMI meters are integrated with the City's billing system which uses historical data to identify potential customer meter issues. Meters registering any unusual or questionable readings are tested for accuracy. The City's practice is to replace versus repair malfunctioning water meters. Regardless of accuracy, Brenham replaces meters at 10-15 year intervals depending on meter size.

SECTION 8

MEASURES TO DETERMINE AND CONTROL WATER LOSS

Water loss is the difference between the amount of water taken from the Somerville Reservoir and the amount of water authorized for consumption, including metered water (billed or unbilled) delivered to retail, public and governmental users plus authorized but unmetered uses. Examples of authorized but unmetered uses include:

- Water line and fire hydrant flushing
- Fire hydrant testing and firefighting usage
- Street work

Measures to control water loss are part of the routine operations of Brenham. Field crews and other personnel are expected to look for and report evidence of leaks in the water distribution system. Personnel also watch for and report signs of illegal connections so they can be quickly addressed. Table 8-1 summarizes water loss control measures based on water loss cause.

Table 8-1

| Water Loss Cause | Water Loss Control Measures |
|----------------------------------|---|
| Breaks and Leaks | <ul style="list-style-type: none"> • Annual leak survey – The City surveys 25% of the water system each year to identify and repair unreported water leaks. • AC pipe replacement program – The City replaces a portion of old AC pipe each year. |
| Meter Inaccuracies | <ul style="list-style-type: none"> • AMI integration with billing system allows identification of unusual water consumption that may be due to a faulty meter. • The City has adopted a meter replacement program that systematically replaces old meters that tend to lose accuracy with age. • Purchased water and plant meters are calibrated annually and monitored continuously through the SCADA system. |
| Unauthorized Consumption (Theft) | <ul style="list-style-type: none"> • Meter activity on inactive accounts is easily identified with the AMI system. • The City provides all utilities (electric, gas, water and sewer) and personnel are trained to look for and report suspicious activity, including potential water theft. |

Water loss is monitored in accordance with goals established in the water utility profile in Appendix B. With the measures described in the Plan, the goal for Brenham, is to maintain its water loss below 7%. If water loss exceeds the goal, Brenham will look at its water distribution system to determine the source(s) of and reduce the water loss. A copy of the Water Conservation Plan Annual Report is in Appendix E.

SECTION 9

A PROGRAM OF CONTINUING PUBLIC EDUCATION AND INFORMATION

The City supports a continuing public education and information campaign on water conservation. Appendix F contains samples of brochures and website information used in the program.

- The City maintains a supply of water conservation brochures at locations where water bills are paid and where new water accounts are setup. The following TWDB brochures are available for customer selection:
 - “Water Conserving Tips”
 - “Conserving Water Indoors”
 - “Conserving Water Outdoors”
- Water conservation tips “Use Water Wisely” can be downloaded from the City’s website.
- The Water Conservation Plan is available on the City’s website.

SECTION 10

WATER RATE STRUCTURE

The City has adopted a rate structure which is cost-based and does not encourage the excessive use of water. The inclining block rate structure is shown in the tables below.

| RESIDENTIAL WATER RATES IN CITY LIMITS | |
|---|--------------------------|
| First 3,000 gallons or less | \$17.23 |
| 3,001 - 10,000 gallons | \$3.78 per 1,000 gallons |
| 10,001 - 25,000 gallons | \$4.73 per 1,000 gallons |
| 25,001 and above | \$5.91 per 1,000 gallons |

| RESIDENTIAL WATER RATES OUT OF CITY LIMITS | |
|---|--------------------------|
| First 3,000 gallons or less | \$19.81 |
| 3,001 - 10,000 gallons | \$4.35 per 1,000 gallons |
| 10,001 - 25,000 gallons | \$5.44 per 1,000 gallons |
| 25,001 and above | \$6.80 per 1,000 gallons |

| COMMERCIAL AND INDUSTRIAL IN CITY LIMITS | |
|---|--------------------------|
| First 3,000 gallons or less | \$17.23 |
| 3,001 - 10,000 gallons | \$2.37 per 1,000 gallons |
| 10,001 - 25,000 gallons | \$2.96 per 1,000 gallons |
| 25,001 and above | \$3.70 per 1,000 gallons |

| COMMERCIAL AND INDUSTRIAL OUT OF CITY LIMITS | |
|---|--------------------------|
| First 3,000 gallons or less | \$19.81 |
| 3,001 - 10,000 gallons | \$2.73 per 1,000 gallons |
| 10,001 - 25,000 gallons | \$3.41 per 1,000 gallons |
| 25,001 and above | \$4.26 per 1,000 gallons |

| IRRIGATION SYSTEM SERVICE IN CITY LIMITS | |
|---|--------------------------|
| 0 – 10,000 gallons | \$4.09 per 1,000 gallons |
| 10,001 – 25,000 gallons | \$5.11 per 1,000 gallons |
| 25,001 and above | \$6.39 per 1,000 gallons |

| IRRIGATION SYSTEM SERVICE OUT OF CITY LIMITS | |
|---|--------------------------|
| 0 – 10,000 gallons | \$4.09 per 1,000 gallons |
| 10,001 – 25,000 gallons | \$5.11 per 1,000 gallons |
| 25,001 and above | \$6.39 per 1,000 gallons |

| FIRE LINE SERVICE IN CITY LIMITS | |
|-------------------------------------|--------------------|
| 4 inch | \$20.56 flat rate |
| 6 inch | \$59.72 flat rate |
| 8 inch | \$127.27 flat rate |
| 10 inch | \$228.87 flat rate |
| 12 inch | \$369.69 flat rate |

| RESIDENTIAL WATER RATES OUT OF CITY LIMITS | |
|---|--------------------|
| 4 inch | \$23.64 flat rate |
| 6 inch | \$68.68 flat rate |
| 8 inch | \$146.36 flat rate |
| 10 inch | \$263.20 flat rate |
| 12 inch | \$425.14 flat rate |

| CONSTRUCTION SERVICE TEMPORARY | |
|-----------------------------------|--------------------------|
| First 3,000 gallons or less | \$17.23 |
| 3,001 - 10,000 gallons | \$5.01 per 1,000 gallons |
| 10,001 - 25,000 gallons | \$6.26 per 1,000 gallons |
| 25,001 and above | \$7.83 per 1,000 gallons |

SECTION 11

RESERVOIR SYSTEMS OPERATION PLAN

Not applicable to Brenham because Brenham does not own any reservoirs.

SECTION 12

IMPLEMENTATION AND ENFORCEMENT

The Mayor, or his/her designee, is hereby authorized and directed to implement the applicable provisions of the Plan upon determination that such implementation is necessary to protect public health, safety and welfare and to comply with applicable regulations.

Except as otherwise provided in the Plan, the Mayor, or his/her designee, shall have the authority to initiate, to enforce and to terminate the measures provided herein.

A copy of the ordinance is in Appendix G.

SECTION 13

COORDINATION WITH REGIONAL WATER PLANNING GROUP

The City will send a copy of this Plan, the ordinance adopting the Plan and the water utility profile to the Regional G Water Planning Group. A copy of the Brazos River Authority Water Conservation Plan is included in Appendix H.

SECTION 14

ADDITIONAL CONTENT REQUIREMENTS

LEAK DETECTION, REPAIR AND WATER LOSS

Most water leaks, illegal connections, abandoned water services or other means of water loss are discovered through visual observation of field crews other personnel or are reported by the public. Brenham trains its personnel (e.g., meter readers, maintenance crews, etc.) to look for and report evidence of water leaks in the water distribution system to the Public Utilities Department. Personnel are asked to watch for and report signs of illegal connections and abandoned services. All leaks are repaired as soon as possible and all illegal connections and abandoned services are investigation as soon as possible in order to maintain a sound water system. Areas of the water distribution system in which numerous leaks and line breaks occur are scheduled for replacement as funds are available.

WATER CONSERVATION PLANS BY WHOLESALE CUSTOMERS

Brenham would receive authorization from the Brazos River Authority prior to providing wholesale water services to any successive wholesale customers. Brenham will include language in its wholesale water supply contract with these entities requiring said entity to develop and implement a water conservation plan or water conservation measures using the applicable elements of Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.5 of the Texas Administrative Code.

SECTION 15

ADDITIONAL CONSERVATION STRATEGIES

CONSERVATION-ORIENTED WATER RATES

Brenham has adopted a rate structure which is cost based and does not encourage the excessive use of water. (Section 10)

ORDINANCES, PLUMBING CODES AND RULES

Brenham has adopted the 2012 International Plumbing Code which encourages the use of water conserving plumbing fixtures for residential and commercial construction. The State of Texas has required water-conserving fixtures in new construction and renovations since 1992.

RETROFIT PROGRAM

Retrofit of existing plumbing fixtures is being accomplished through the voluntary efforts of individual consumers and business owners. There is currently no rebate program for the replacement of existing commodes with low flush models.

REUSE

Brenham does currently use treated effluent daily for chlorination/de-chlorination and wash down at the wastewater plant. Brenham also has a reclaim station where commercial customers buy reuse water for construction and roads.

WATER CONSERVING LANDSCAPE

Brenham encourages its retail customer to incorporate Texas SmartScape principles into their respective landscapes. Texas SmartScape was developed through the North Central Texas Council of Governments in cooperation with cities, utilities and other agencies to educate citizens on the ecological, economic and aesthetic benefit of using landscape plants, shrubs, grasses and trees that are native or adapted to the regional climate and local conditions. Using Texas SmartScape principles can be both practical and beautiful, using earth-friendly techniques that conserve water resources and protect water quality.

SECTION 16

REVIEW AND UPDATE ADDITIONAL CONSERVATION STRATEGIES

The rules on minimum requirements for Water Conservation Plans can be found in Title 30 of the Texas Administrative Code (TAC), Chapter 288 (see Section 2). According to Rule 288.2 (c), a public water supplier for municipal use will review and update its water conservation plan every five (5) years to coincide with the regional water planning group process. The next review/update cycle that coincides with the regional water planning group process is **May 1, 2019**.

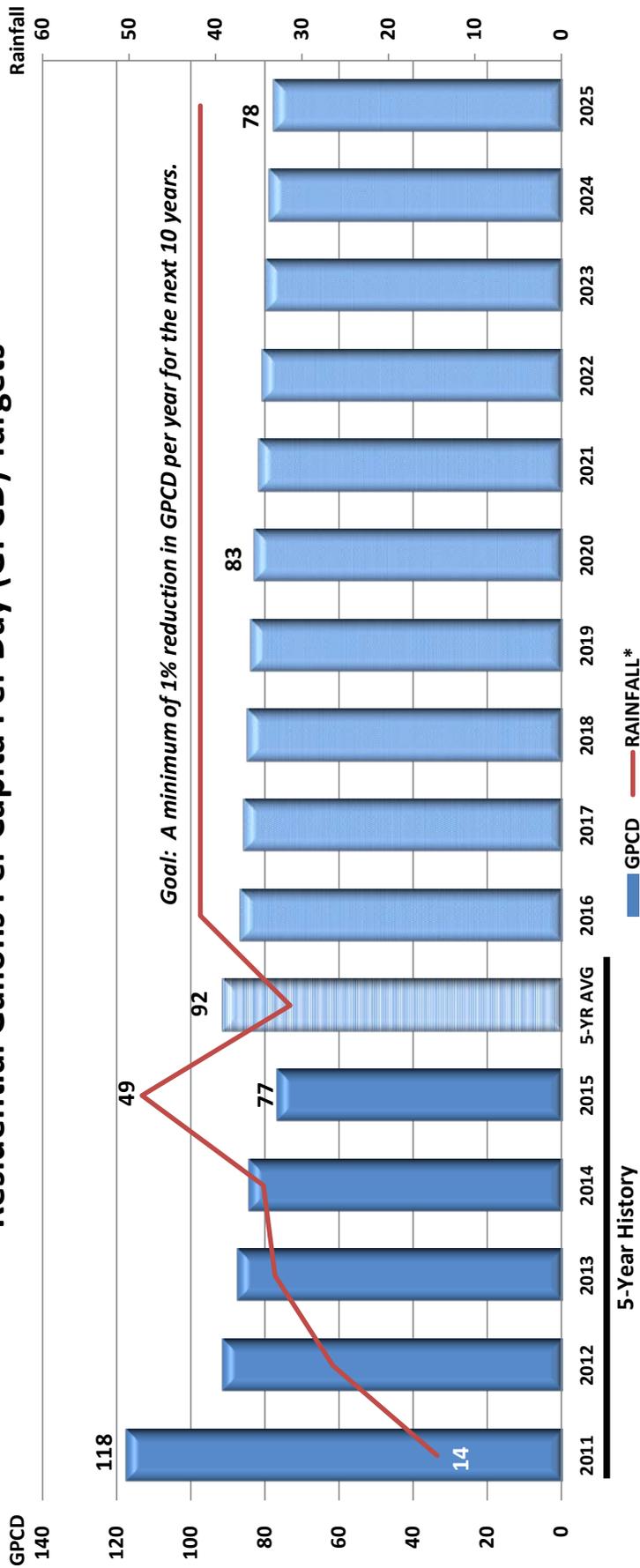
In order to synchronize with the regional water planning group, the City of Brenham will review, update and submit a revised plan by **May 1, 2019** and then every **five years** thereafter. Anytime the plan is revised it will be submitted within 90 days of adoption.

The City of Brenham is a municipal surface water right user of over 1,000 acre-feet and a retail public water supplier providing service to over 3,000 connections. Therefore, the updated Water Conservation Plan for the City of Brenham will be submitted to the TCEQ and a copy of the plan will be submitted to the TWDB.

Texas Commission on Environmental Quality (TCEQ)
Resource Protection Team
P.O. Box 13087 MC-160
Austin, Texas 78711-3087

Texas Water Development Board
1700 North Congress Avenue P.O. Box 13231
Austin, Texas 78711-3231

Residential Gallons Per Capita Per Day (GPCD) Targets

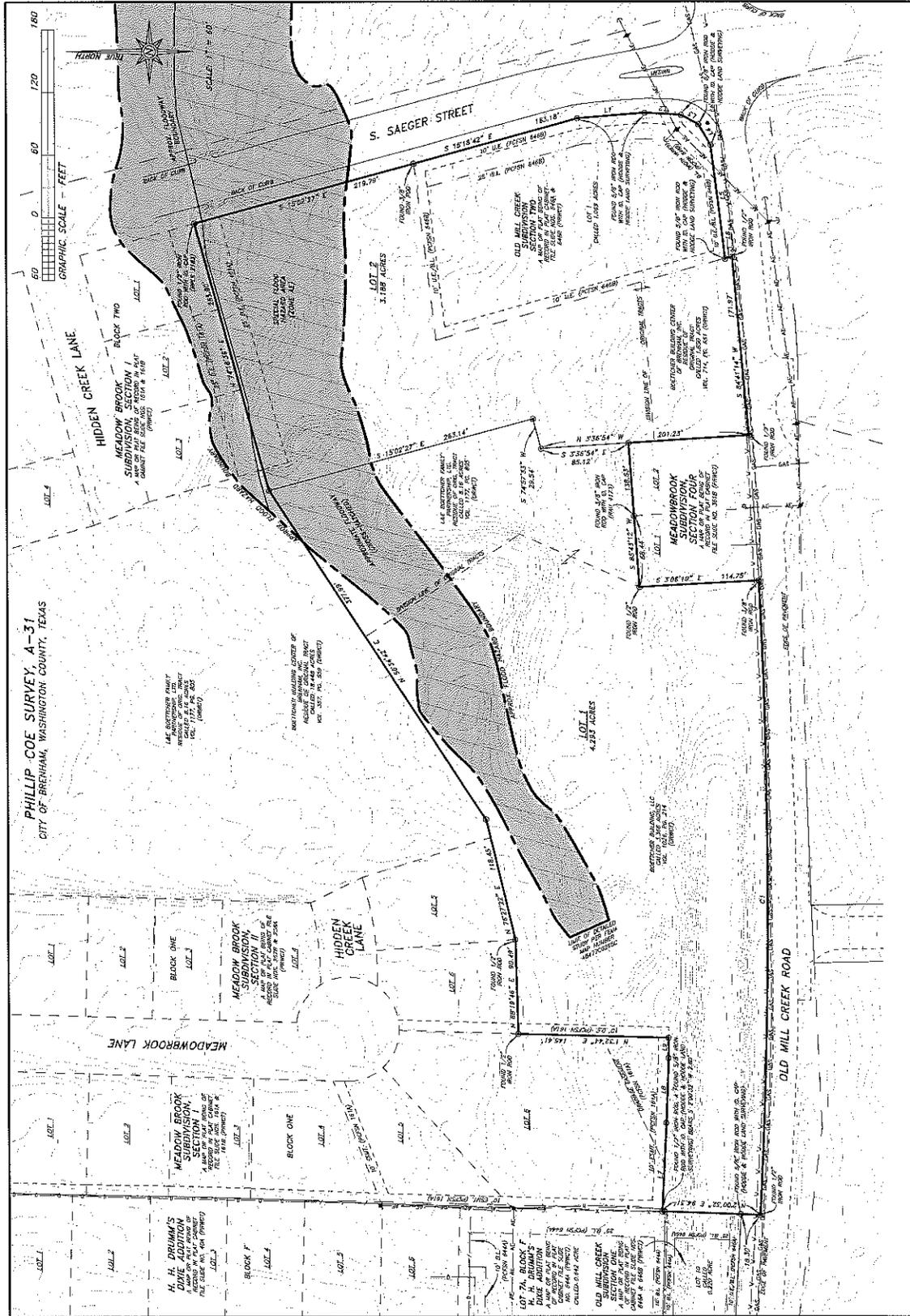


* 2016 to 2025 based on 30 year average rainfall of 42 inches.



AGENDA ITEM 5

| | | | |
|---|--|--|--|
| DATE OF MEETING: April 21, 2016 | | DATE SUBMITTED: April 15, 2016 | |
| DEPT. OF ORIGIN: Development Services | | SUBMITTED BY: Erik Smith | |
| MEETING TYPE: | CLASSIFICATION: | ORDINANCE: | |
| <input checked="" type="checkbox"/> REGULAR | <input checked="" type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> 1 ST READING | |
| <input type="checkbox"/> SPECIAL | <input type="checkbox"/> CONSENT | <input type="checkbox"/> 2 ND READING | |
| <input type="checkbox"/> EXECUTIVE SESSION | <input type="checkbox"/> REGULAR | <input type="checkbox"/> RESOLUTION | |
| | <input type="checkbox"/> WORK SESSION | | |
| AGENDA ITEM DESCRIPTION: Public Hearing to Consider an Amendment of the City of Brenham’s “Envision 2020” Comprehensive Plan Future Land Use Map to Change the District From a Recreational/Open Space District to a Multifamily District for a Tract of Land Described as 4.293 Acres Out of the Phillip Coe Survey, A-31, Located on the North Side of Old Mill Creek Road in Brenham, Washington County, Texas | | | |
| SUMMARY STATEMENT: This is a request for an amendment to the “Envision 20/20” Comprehensive Plan. The specific parcel is a tract of land described as 4.293 acres of land on the north side of Old Mill Creek Road out of the Phillip Coe Survey in Brenham, Washington County, Texas. The current district as designated by the Comprehensive Plan is Recreation/Open Space. The City of Brenham is requesting the Comprehensive Plan be amended to designate this parcel as a Multifamily District. The Comprehensive Plan is a document the City uses to help guide planning and future zoning changes for future growth. To follow best practices it would be ideal to change the comprehensive plan when a rezoning request is made so the two maps do not conflict with one another. | | | |
| STAFF ANALYSIS (For Ordinances or Regular Agenda Items): | | | |
| A. PROS: Keeps the Comprehensive Plan Map and Zoning Map from conflicting with one another. | | | |
| B. CONS: | | | |
| ALTERNATIVES (In Suggested Order of Staff Preference): | | | |
| ATTACHMENTS: (1) Survey; (2) Comp Plan Exhibit; and (3) Comprehensive Plan Future Land Use Map | | | |
| FUNDING SOURCE (Where Applicable): | | | |
| RECOMMENDED ACTION: Public Hearing only – no action required. | | | |
| APPROVALS: Terry K. Roberts | | | |

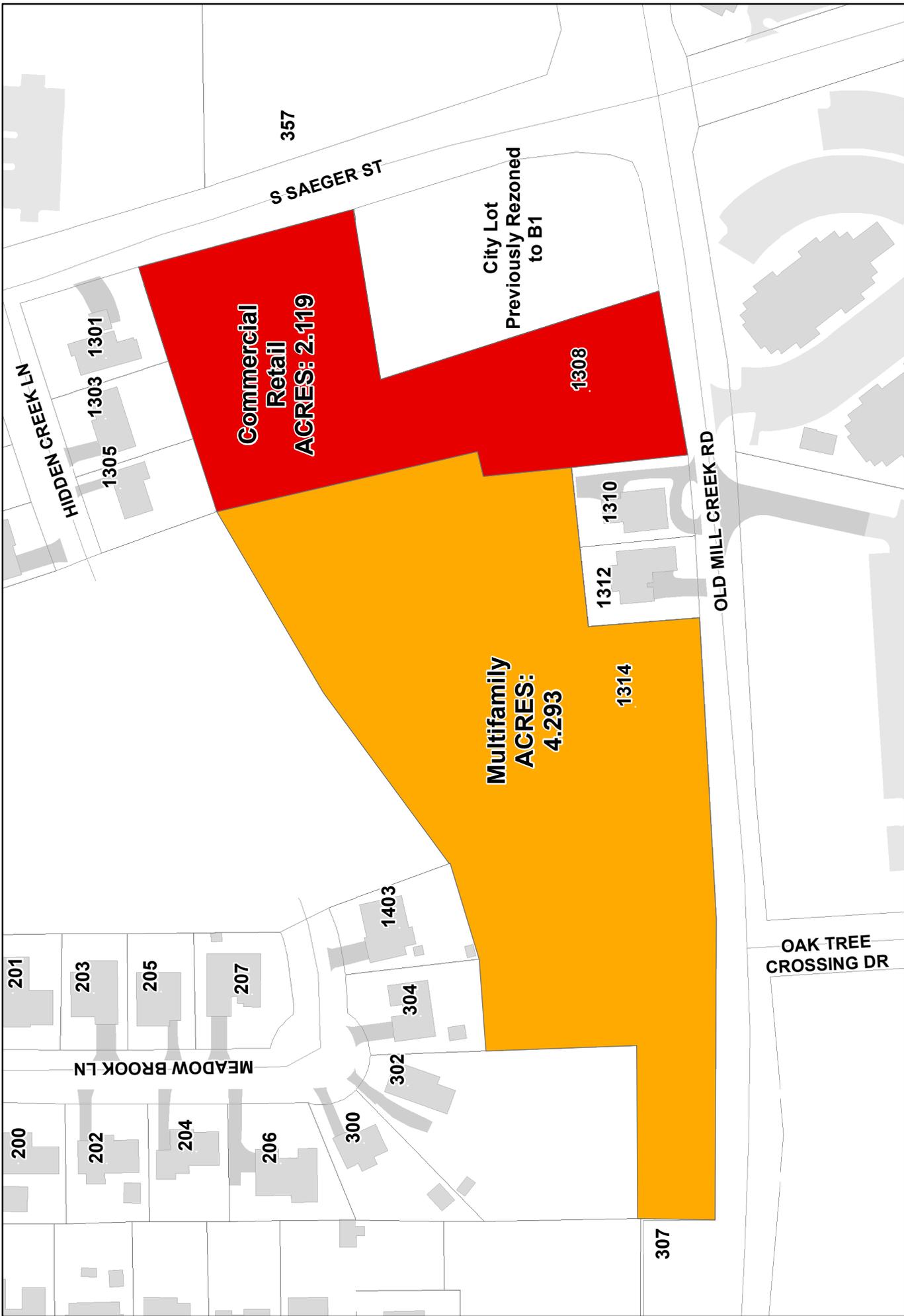


PHILLIP COE SURVEY, A-31
 CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS

BLINN MILL CREEK SUBDIVISION
 BEING OUT OF THE PHILLIP COE SURVEY, A-31
 CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS
 CONSISTING OF 1 RESIDENTIAL LOT (LOT 1) AND 1 COMMERCIAL LOT (LOT 2)
 7.481 TOTAL ACRES IN SUBDIVISION
 DATE: FEBRUARY 4, 2016

Hodde & Hodde Land Surveying, Inc.
 Professional Land Surveying
 613 E. Blue Bell Road • Brenham, Texas 77833
 979-836-5681 • 979-836-5683 (fax)
 www.hoddesurveying.com

(PRELIMINARY)
 JON E. HODDE, PLS. NO. 5187
 THE PURPOSE OF THIS DOCUMENT IS FOR
 PRELIMINARY REVIEW ONLY.
 PRELIMINARY. THIS DOCUMENT SHALL NOT
 BE RECORDED FOR ANY PURPOSE.



1 inch = 125 feet



Blinn Mill Creek Subdivision "Comp Plan Exhibit"



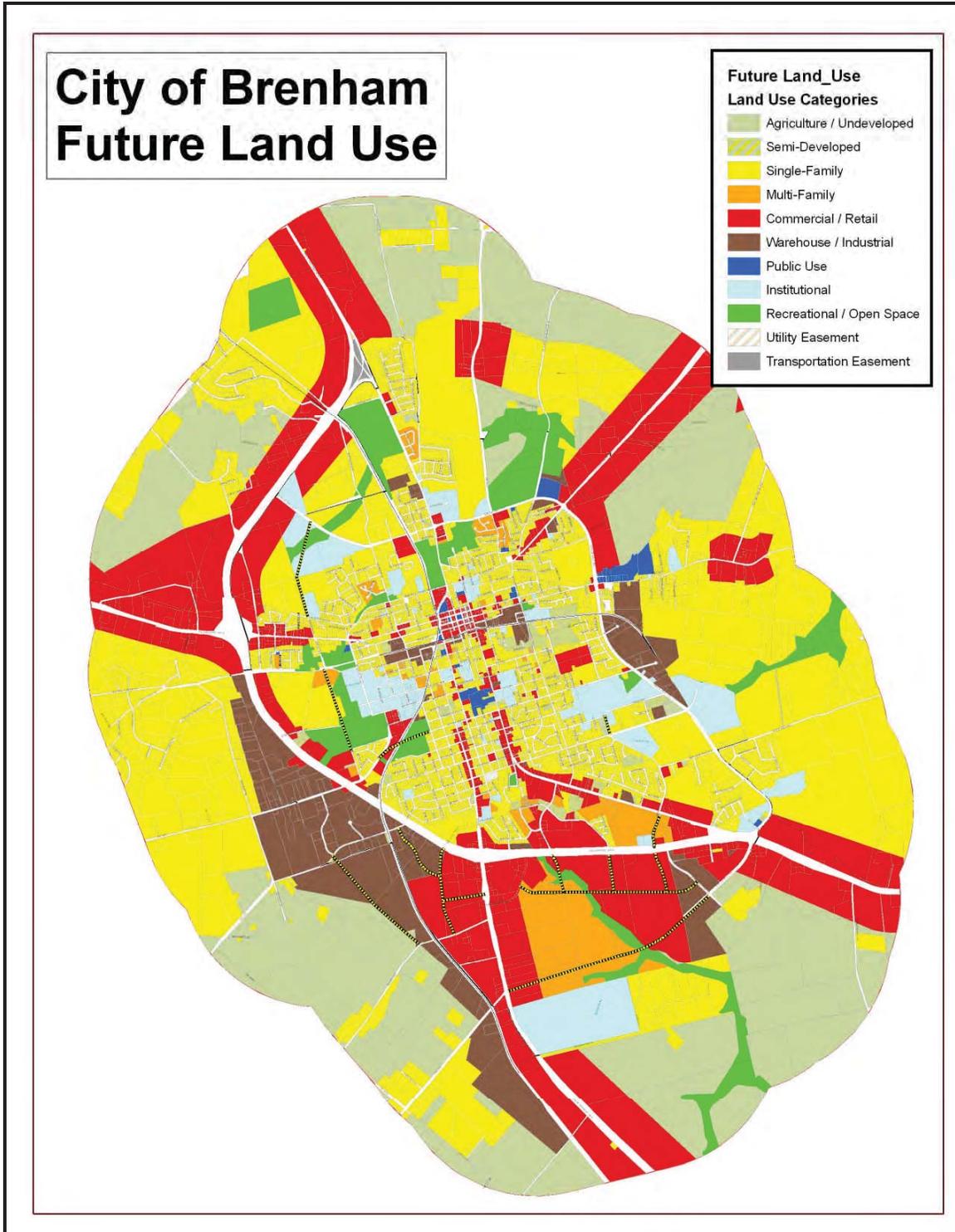


Illustration 6-5: The Future Land Use map for the City of Brenham illustrates desired growth patterns over the next 15 to twenty years.



AGENDA ITEM 6

| | | | |
|---|--|---|--|
| DATE OF MEETING: April 21, 2016 | | DATE SUBMITTED: April 15, 2016 | |
| DEPT. OF ORIGIN: Development Services | | SUBMITTED BY: Erik Smith | |
| MEETING TYPE: | | CLASSIFICATION: | |
| <input checked="" type="checkbox"/> REGULAR | | <input checked="" type="checkbox"/> PUBLIC HEARING | |
| <input type="checkbox"/> SPECIAL | | <input type="checkbox"/> CONSENT | |
| <input type="checkbox"/> EXECUTIVE SESSION | | <input type="checkbox"/> REGULAR | |
| | | <input type="checkbox"/> WORK SESSION | |
| ORDINANCE: | | | |
| <input type="checkbox"/> 1ST READING | | | |
| <input type="checkbox"/> 2ND READING | | | |
| <input type="checkbox"/> RESOLUTION | | | |
| AGENDA ITEM DESCRIPTION: Public Hearing to Consider an Amendment to the Official Zoning Map of the City of Brenham, to Change the Zoning District From a Single Family Residential Use (R-1) District to a Mixed Residential Use (R-2) District on a Tract of Land Described as 4.293 Acres Out of the Phillip Coe Survey, A-31, Located on the North Side of Old Mill Creek Road in Brenham, Washington County, Texas | | | |
| SUMMARY STATEMENT: Mill Creek Saeger, LLC. has requested a zone change for property on the north side of Old Mill Creek which consists of 4.293 acres of land. The land is currently zoned R-1 single family residential and the request is to change the zoning to R-2 Mixed Residential. This type of change would allow for multifamily apartment complexes. | | | |
| <p>The applicant is applying with permission from the property owner. Sale of the land is pending depending on results of the applicant's multiple requests including this item. The apartments proposed would be open to the public but would likely house mostly Blinn students. Staff received a protest for the related zone change request for this item. There were multiple concerns that were raised to staff at the Planning and Zoning public hearing which included increased drainage, privacy, allowing a three story building, decreased property values, increased traffic, clearing of vegetation and parking lots in backyards. Staff explained to the public at this time this was a land use matter and that we have not received an approvable site plan, civil drawings or construction drawings at this point because the applicant wants to know if the land use will be approved prior to spending money on those items. We explained there are existing rules the applicant would be required to follow as all applicants are required.</p> <p>Staff does support this item for multiple reasons:</p> <ul style="list-style-type: none"> - This is considered transitional zoning, and; - Thoroughfares support this type of development, and; - This request does not change the makeup of the area as a whole due to the fact there are apartments or are apartments in the planning stages for all four corners of this intersection, and; - This will add to economic development. | | | |

The Planning and Zoning Commission asked staff to bring to City Councils attention they would like Old Mill Creek prioritized as a road improvement project to help accommodate this request. The width of the asphalt, 24', is in line with a minor collector for the area near this development but curbs would need to be added to bring this into compliance with what the design standards shows for a minor collector street. The portion of Old Mill Creek on the west side of Highway 290 is not a minor collector and is not 24' in width.

Comprehensive Plan Compliance

The Envision 20/20 Comprehensive Plan lists this property as Recreational/Open Space. The current zoning for this property is R-1 – Single Family District. These two documents are in direct conflict with one another. Both of these issues are on the agenda as requests to align the documents so there is not conflict.

Thoroughfare Plan Compliance

Old Mill Creek Road is classified as a Minor Collector.

South Saeger Street is considered a Major Collect.

Both of these types of street classification would support this type of use.

Public Concerns

Staff has received a valid protest for this request from the neighboring property owners. Staff has reviewed the petition and verified there were 13 property owners that fell within the 200 ft. buffer zone that had all or part of their property fall within the area that can be used to count against the rezone. The total amount of land area in the protest zone is 24.67%. The required land area in the protest zone to qualify is 20%. The protest is valid and will require a super majority vote or 75% for approval.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. PROS: Allow for additional multifamily residential to accommodate students and provide options for people desiring to live in multifamily residences.

B. CONS: Neighboring property owners have submitted a protest to the zoning directly tied to the SUP in opposition of this type of development.

ALTERNATIVES (In Suggested Order of Staff Preference):

ATTACHMENTS: (1) General Application; (2) Owner Authorization Letter; (3) Land Plan; (4) Site Survey; and (5) Zoning Exhibit

FUNDING SOURCE (Where Applicable): N/A

RECOMMENDED ACTION: No action required - Public Hearing only

APPROVALS: Terry K. Roberts



For office use only

APPLICATION NO. _____
MEETING DATE: 3-7-16
DATE SUBMITTED: 2/12/14
pd #100
v#1002
rec#00972825

CITY OF BRENHAM
GENERAL APPLICATION

Type of Application

- | | |
|---|--|
| <input type="checkbox"/> Variance from Appendix A: Zoning | <input type="checkbox"/> Zone Change |
| <input checked="" type="checkbox"/> Specific Use Permit | <input type="checkbox"/> Plan Review |
| <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Final Plat/Replat/Amending Plat |
| <input type="checkbox"/> Variance from Chapter 21: Signs | <input type="checkbox"/> Other: _____ |

Property Owners Information

Name L&E Boettcher Family Partnership, Ltd/Boettcher Building LLC
Principal Officers (If Corporation) President Ben Boettcher
Secretary N/A
Address 1702 S. Market Street, Brenham, TX 77833
Telephone Number 979-836-0523 E-mail Address ben@bbe-architects.com

Applicant Information

Name Blinn Mill Creek LLC
Address 7058 Lakeview Haven Dr #113 Houston, TX 77095
Telephone Number 713-690-1000 E-mail Address marcmillis@yahoo.com

Agent or Engineer Information

Name N/A
Address _____
Telephone Number _____ E-mail Address _____

Location of Property

Street Address: NWC Saeger Street and Old Mill Creek Road

Legal Description (attach metes and bounds description if not subdivided):

Subdivision: Blinn Mill Creek Block(s): _____ Lot(s): 1

Zoning Information

Existing Zoning: R-1 - Single Family

Proposed Zoning: R-2 - Multi-Family

Reasons for requesting zone change:* Applicant proposes to construct apartment housing on the property.

Variance Information

Section of Code from which variance is described:* _____

Describe variance requested:* _____

Reasons for requesting variance:* _____

Proposed Property Use

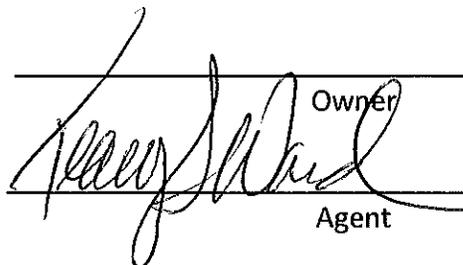
Describe in detail the proposed operation at this location:*

Apartment housing.

Construction Value \$ TBD

Site plans are required for variance, special use, and plan review requests; please see Ordinance No. 0-05-007 for minimum site plan requirements.

I, Terry S. Ward for Ben Boettcher, being the owner (or authorized agent) of the above described property, do hereby certify the information set forth above is true and correct. I further request that the Planning & Zoning Commission/Board of Adjustments/Plan Review Committee review this matter and take appropriate action.

 Owner
Agent

Blinn Mill Creek LLC

7058 Lakeview Haven Dr #113

Houston, TX 77095

713.690.1000 tele | 281.856.0443 fax | tward100@aol.com

February 15, 2016

City of Brenham
Planning & Zoning Commission
200 W. Vulcan
Brenham, TX 77833

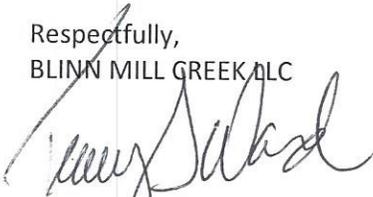
RE: Specific Use Permit

Dear Chairperson:

Blinn Mill Creek LLC respectfully requests to be placed on the March 7, 2016 Planning and Zoning Commission Agenda for the rezoning of two (2) or more acres out of from existing R-1, Single Family to R-2 Multi-Family. The site is located at the NWC of Saeger Street and Old Mill Creek Road. Our intention is construct new apartment housing.

If we can provide any additional information, please do not hesitate to contact us.

Respectfully,
BLINN MILL CREEK LLC



Terry S. Ward
Member

BBA Architects LP

October 6, 2015

Mr. Erik Smith, Development Services Manager
City of Brenham
200 West Vulcan Street
Brenham, Texas 77833

Dear Erik:

I have entered into Sales Contracts on property in the Meadowbrook Subdivision, in the City of Brenham with Marc Millis and Terry Ward d/b/a T&M Properties. See attached map. The property is currently zoned as R-1 Residential Single Family. The future owners desire to develop the property for multi-family units and thereby request the area to be rezoned as R-2 Mixed Residential.

We hereby authorize T&M Properties to act as our agent in requesting a zoning amendment for the property.

Sincerely,

L&E Boettcher Family Partnership, Ltd.
by and through its general partner,
B & B Square, L.L.C.

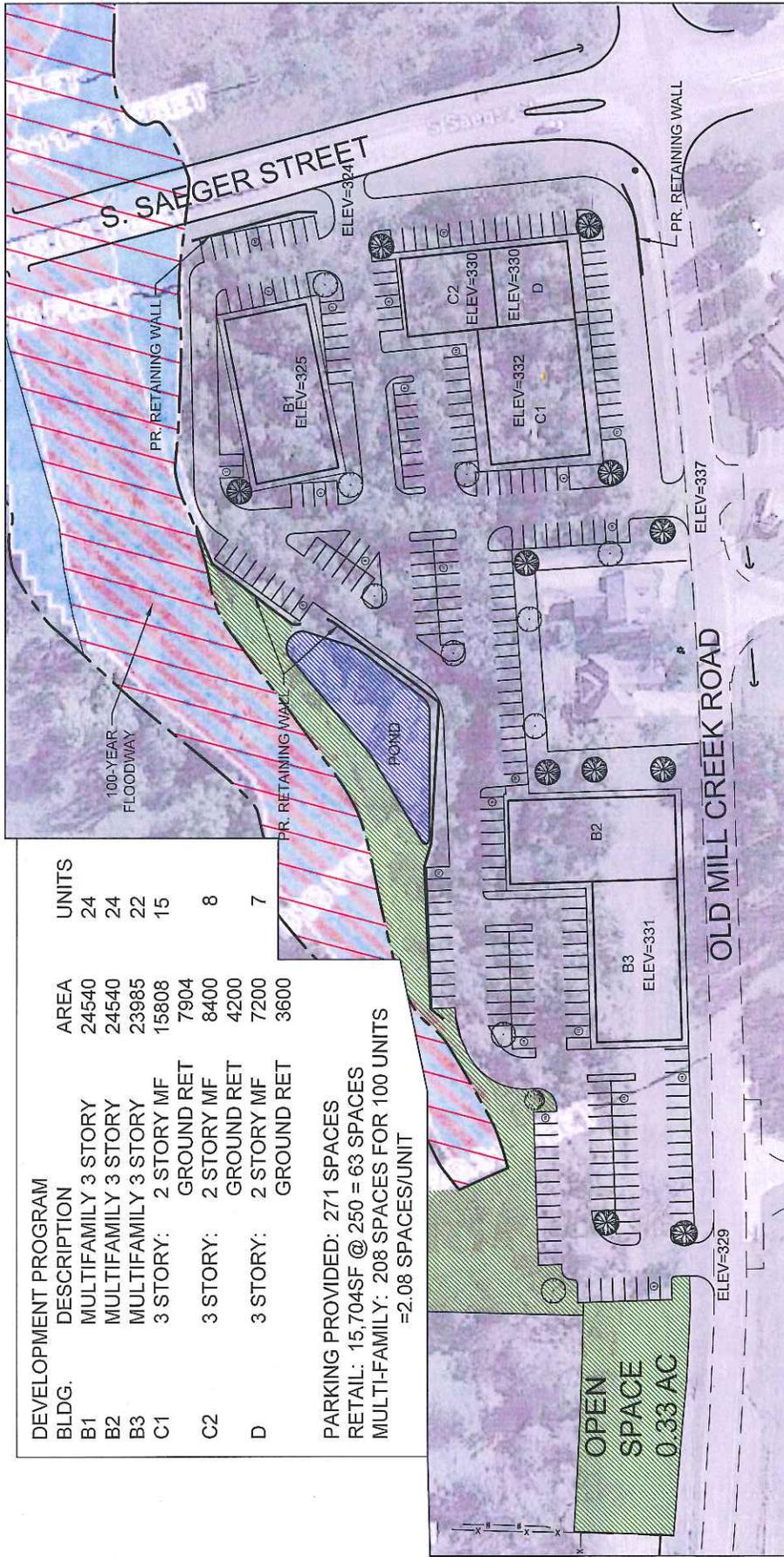
Boettcher Building, LLC


Ben E. Boettcher


Ben E. Boettcher

CC: Mark Millis

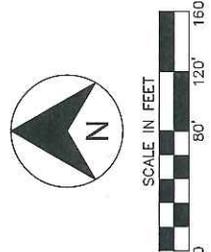




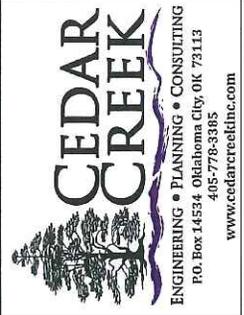
| DEVELOPMENT PROGRAM BLDG. | DESCRIPTION | AREA | UNITS |
|---------------------------|-----------------------------------|---------------|-------|
| B1 | MULTIFAMILY 3 STORY | 24540 | 24 |
| B2 | MULTIFAMILY 3 STORY | 24540 | 24 |
| B3 | MULTIFAMILY 3 STORY | 23985 | 22 |
| C1 | 3 STORY: 2 STORY MF GROUND RET | 15808 7904 | 15 |
| C2 | 3 STORY: 2 STORY MF GROUND RET | 8400 4200 | 8 |
| D | 3 STORY: 2 STORY MF GROUND RET | 7200 3600 | 7 |

PARKING PROVIDED: 271 SPACES
 RETAIL: 15,704SF @ 250 = 63 SPACES
 MULTI-FAMILY: 208 SPACES FOR 100 UNITS
 =2.08 SPACES/UNIT

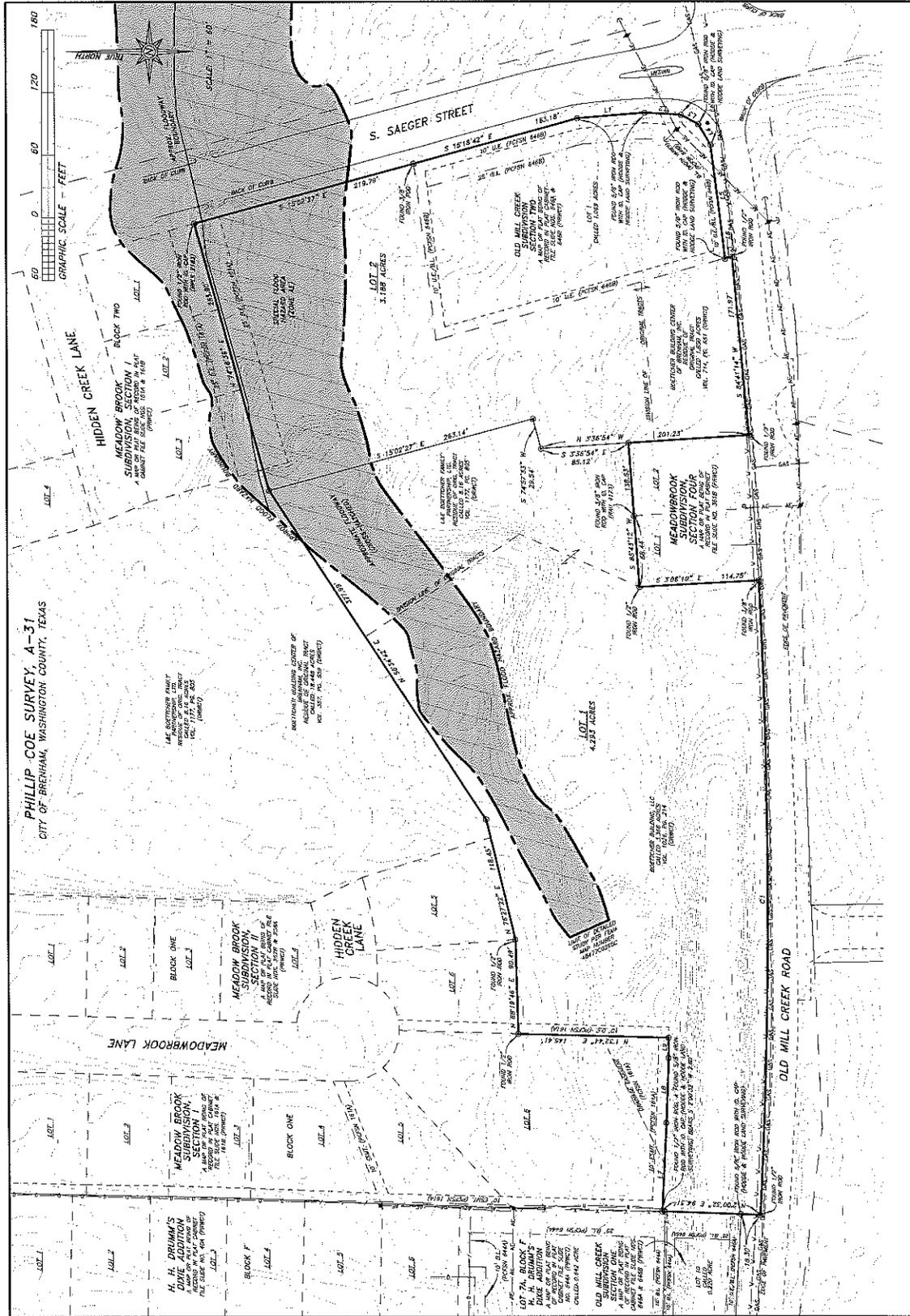
PRELIMINARY DETENTION CALCULATIONS
 EXISTING PEAK RUNOFF: 11.80 CFS
 PROPOSED PEAK TO POND: 30.16 CFS
 100 YEAR STORAGE REQUIRED: 0.5 AC-FT



VOLUME REQUIREMENTS
 ONSITE CUT/FILL: 14000CY
 IMPORT: 10000CY



FORMATTED FOR 11"X17" PAPER

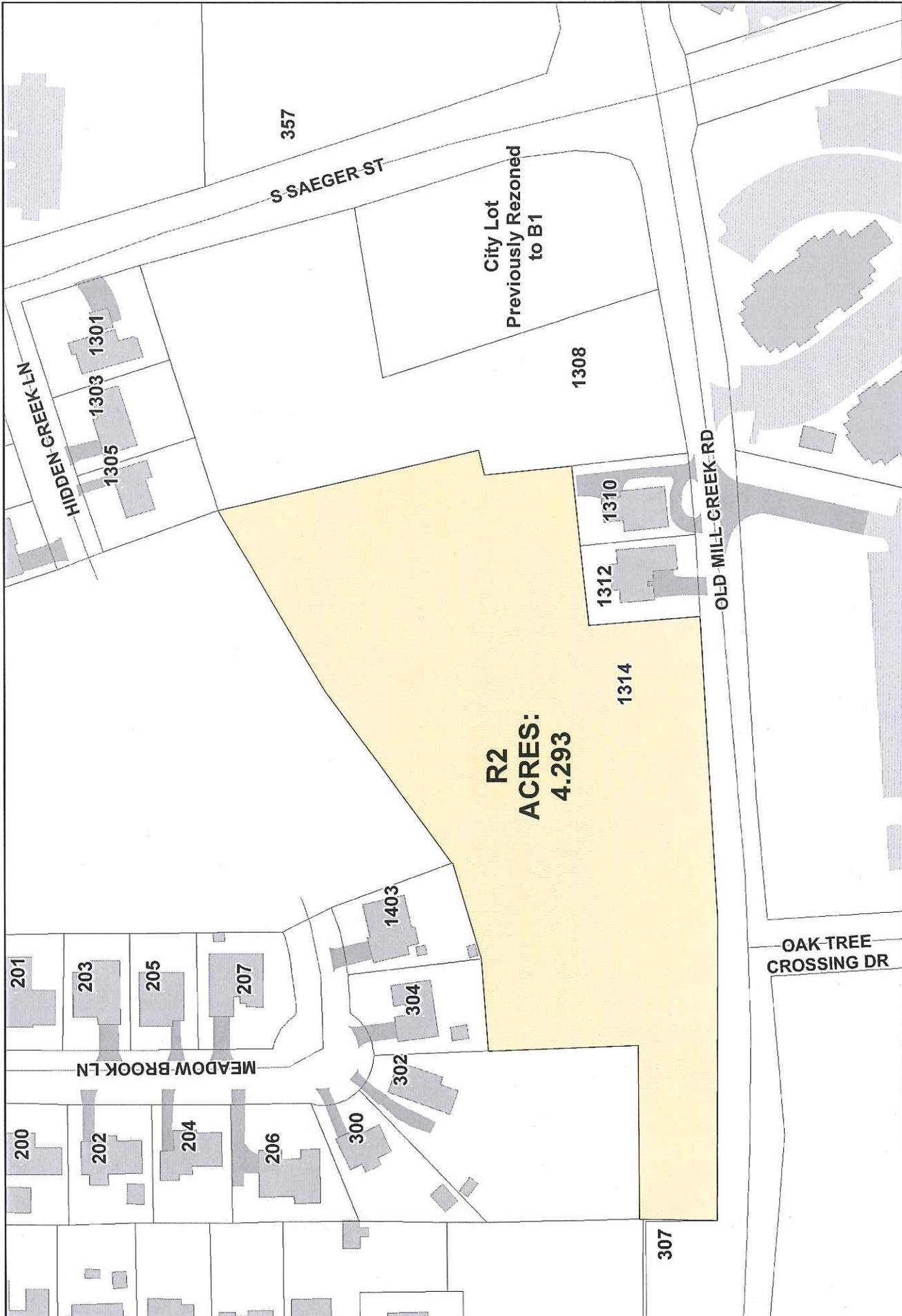


PHILLIP COE SURVEY, A-31
CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS

(PRELIMINARY)
JON E. HODDE, PLS. NO. 5187
THE PURPOSE OF THIS DOCUMENT IS FOR
PRELIMINARY REVIEW ONLY.
PRELIMINARY. THIS DOCUMENT SHALL NOT
BE RECORDED FOR ANY PURPOSE.

BLINN MILL CREEK SUBDIVISION
BEING OUT OF THE PHILLIP COE SURVEY, A-31
CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS
CONSISTING OF 1 RESIDENTIAL LOT (LOT 1) AND 1 COMMERCIAL LOT (LOT 2)
7.481 TOTAL ACRES IN SUBDIVISION
DATE: FEBRUARY 4, 2016

H. G. NO. 7029 (CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS)
Hodde & Hodde Land Surveying, Inc.
Professional Land Surveying
613 E. Blue Bell Road • Brenham, Texas 77833
979-836-5681 • 979-836-5683 (fax)
www.hoddesurveying.com



1 inch = 125 feet



Blinn Mill Creek Subdivision "Zoning Exhibit R2"





AGENDA ITEM 7

| | | |
|--|--|--|
| DATE OF MEETING: April 21, 2016 | DATE SUBMITTED: April 15, 2016 | |
| DEPT. OF ORIGIN: Development Services | SUBMITTED BY: Erik Smith | |
| MEETING TYPE: | CLASSIFICATION: | ORDINANCE: |
| <input checked="" type="checkbox"/> REGULAR | <input checked="" type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> 1 ST READING |
| <input type="checkbox"/> SPECIAL | <input type="checkbox"/> CONSENT | <input type="checkbox"/> 2 ND READING |
| <input type="checkbox"/> EXECUTIVE SESSION | <input type="checkbox"/> REGULAR | <input type="checkbox"/> RESOLUTION |
| | <input type="checkbox"/> WORK SESSION | |
| AGENDA ITEM DESCRIPTION: Public Hearing to Consider an Amendment of Appendix A - “Zoning” of the Code of Ordinances of the City of Brenham Granting a Specific Use Permit to Allow a Multifamily Development on a Site of Two (2) or More Acres of Land Being Described as 4.293 Acres Out of the Phillip Coe Survey, A-31, Located on the North Side of Old Mill Creek Road in Brenham, Washington County, Texas | | |
| SUMMARY STATEMENT: Mill Creek Saeger, LLC. has requested a special use permit (SUP) for a 4.293 acre tract of land on the north side of Old Mill Creek Road being 4.293 acres out of the Phillip Coe Survey in the City of Brenham to allow for a multifamily development on 2 acres of land or more. The applicant is applying with permission from the property owner. Sale of the land is pending depending on results of the applicants multiple requests including this item. The apartments proposed would be open to the public but would likely house mostly Blinn students. Staff received a protest for the related zone change request for this item. Privacy for the existing neighboring homeowners was a concern. Staff made a recommendation to the Planning and Zoning Commission to place restrictions on the 20’ buffer yard requirement to require the applicant to keep vegetation in place during the construction period or replace existing vegetation with trees after vegetation for the entire 20’ buffer yard abutting any single family residential district. Under current existing ordinances the applicant could build a parking lot into the buffer yard with only 20% of the outermost portion of the buffer to remain vegetation which could simply be grass. This would amount to as little as a four foot buffer separation between the new development and existing single family residential. With the condition the applicant would require to leave the 20’ buffer with trees and in the instance of a large established tree being removed could even be required to plant 2 – 3 trees in its place depending on size. | | |
| A summary of the tree replacement condition listed in the ordinance is: | | |
| <ul style="list-style-type: none"> - Replacement trees shall be required if existing trees are removed during construction, unless the tree caliper size is less than 3.00 inches. Trees with a caliper size of less than 3.00 inches will not be required to be replaced. - A tree with a caliper size of 3.00 inches to 8.00 inches shall remain in place or be replaced with a tree having a caliper size within the same size range if removed during construction. | | |

- A tree with a caliper size of more than 8.00 inches to 12.00 inches shall remain in place, or if removed: 1) be replaced with a tree having a caliper size within the same size range; or 2) be replaced with two (2) trees having a caliper size of 3.00 inches to 8.00 inches.
- A tree with a caliper size of more than 12.00 inches and above shall remain in place, or if removed: 1) be replaced with a tree having a caliper size within the same size range; 2) be replaced with two (2) trees having a caliper size of more than 8.00 inches to 12.00 inches or 3) be replaced with three (3) trees having a caliper size of 3.00 inches to 8.00 inches.

In addition to the buffer and tree caliper conditions being recommended for this project the developer has requested that an additional .33 acre tract of land at the southwestern corner of the property be added as permanent green space to the 4.293 acre tract to help with a buffer zone. This area will remain as a permanent open space on the property. During construction this area will be disturbed but remain as open space thereafter.

Without a Special Use Permit for this land the property would not allow for this type of development to occur. Lower density units such as cluster housing, group residential, multifamily on two acres or less and duplexes are types of multifamily that are allowed “by right”.

Comprehensive Plan Compliance

The Envision 20/20 Comprehensive Plan lists this property as Recreational/Open Space. The current zoning for this property is R-1 – Single Family District. These two documents are in direct conflict with one another. Both of these issues are on the agenda as requests to align the documents so there is not conflict.

Thoroughfare Plan Compliance

Old Mill Creek Road is classified as a Minor Collector.

South Saeger Street is considered a Major Collect.

Both of these types of street classification would support this type of use.

Public Concerns

Staff has received a valid protest for this request from the neighboring property owners. Staff has reviewed the petition and verified there were 13 property owners that fell within the 200 ft. buffer zone that had all or part of their property fall within the area that can be used to count against the rezone. The total amount of land area in the protest zone is 24.67%. The required land area in the protest zone to qualify is 20%. The protest is valid and will require a super majority vote or 75% for approval.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. PROS: Allow for additional multifamily residential to accommodate students and provide options for people desiring to live in multifamily residences.

B. CONS: Neighboring property owners have submitted a protest to the zoning directly tied to the SUP in opposition of this type of development.

ALTERNATIVES (In Suggested Order of Staff Preference):

ATTACHMENTS: (1) General Application (2) Owner authorization letters; (3) Land Plan (4) Site Survey; and (5) Zoning Exhibit; and (6) Zoning/Comprehensive Plan Exhibit

FUNDING SOURCE (Where Applicable):

RECOMMENDED ACTION: No action required – Public Hearing only.

APPROVALS: Terry K. Roberts



For office use only

APPLICATION NO. _____

MEETING DATE: 3-7-16

DATE SUBMITTED: 2/12/14

*pd #100
v#1002
rec#00972825*

CITY OF BRENHAM
GENERAL APPLICATION

Type of Application

- | | |
|---|--|
| <input type="checkbox"/> Variance from Appendix A: Zoning | <input type="checkbox"/> Zone Change |
| <input checked="" type="checkbox"/> Specific Use Permit | <input type="checkbox"/> Plan Review |
| <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Final Plat/Replat/Amending Plat |
| <input type="checkbox"/> Variance from Chapter 21: Signs | <input type="checkbox"/> Other: _____ |

Property Owners Information

Name L&E Boettcher Family Partnership, Ltd/Boettcher Building LLC

Principal Officers (If Corporation) President Ben Boettcher

Secretary N/A

Address 1702 S. Market Street, Brenham, TX 77833

Telephone Number 979-836-0523 E-mail Address ben@bbe-architects.com

Applicant Information

Name Blinn Mill Creek LLC

Address 7058 Lakeview Haven Dr #113 Houston, TX 77095

Telephone Number 713-690-1000 E-mail Address marcmillis@yahoo.com

Agent or Engineer Information

Name N/A

Address _____

Telephone Number _____ E-mail Address _____

Location of Property

Street Address: NWC Saeger Street and Old Mill Creek Road

Legal Description (attach metes and bounds description if not subdivided):

Subdivision: Blinn Mill Creek Block(s): _____ Lot(s): 1

Zoning Information

Existing Zoning: R-1 - Single Family

Proposed Zoning: R-2 - Multi-Family

Reasons for requesting zone change:* Applicant proposes to construct apartment housing on the property.

Variance Information

Section of Code from which variance is described:* _____

Describe variance requested:* _____

Reasons for requesting variance:* _____

Proposed Property Use

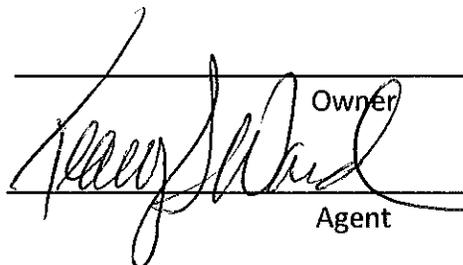
Describe in detail the proposed operation at this location:*

Apartment housing.

Construction Value \$ TBD

Site plans are required for variance, special use, and plan review requests; please see Ordinance No. 0-05-007 for minimum site plan requirements.

I, Terry S. Ward for Ben Boettcher, being the owner (or authorized agent) of the above described property, do hereby certify the information set forth above is true and correct. I further request that the Planning & Zoning Commission/Board of Adjustments/Plan Review Committee review this matter and take appropriate action.

 Owner
Agent

Blinn Mill Creek LLC

7058 Lakeview Haven Dr #113

Houston, TX 77095

713.690.1000 tele | 281.856.0443 fax | tward100@aol.com

February 15, 2016

City of Brenham
Planning & Zoning Commission
200 W. Vulcan
Brenham, TX 77833

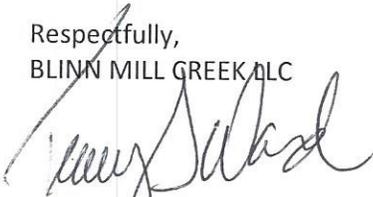
RE: Specific Use Permit

Dear Chairperson:

Blinn Mill Creek LLC respectfully requests to be placed on the March 7, 2016 Planning and Zoning Commission Agenda for the rezoning of two (2) or more acres out of from existing R-1, Single Family to R-2 Multi-Family. The site is located at the NWC of Saeger Street and Old Mill Creek Road. Our intention is construct new apartment housing.

If we can provide any additional information, please do not hesitate to contact us.

Respectfully,
BLINN MILL CREEK LLC



Terry S. Ward
Member

BBA Architects LP

October 6, 2015

Mr. Erik Smith, Development Services Manager
City of Brenham
200 West Vulcan Street
Brenham, Texas 77833

Dear Erik:

I have entered into Sales Contracts on property in the Meadowbrook Subdivision, in the City of Brenham with Marc Millis and Terry Ward d/b/a T&M Properties. See attached map. The property is currently zoned as R-1 Residential Single Family. The future owners desire to develop the property for multi-family units and thereby request the area to be rezoned as R-2 Mixed Residential.

We hereby authorize T&M Properties to act as our agent in requesting a zoning amendment for the property.

Sincerely,

L&E Boettcher Family Partnership, Ltd.
by and through its general partner,
B & B Square, L.L.C.

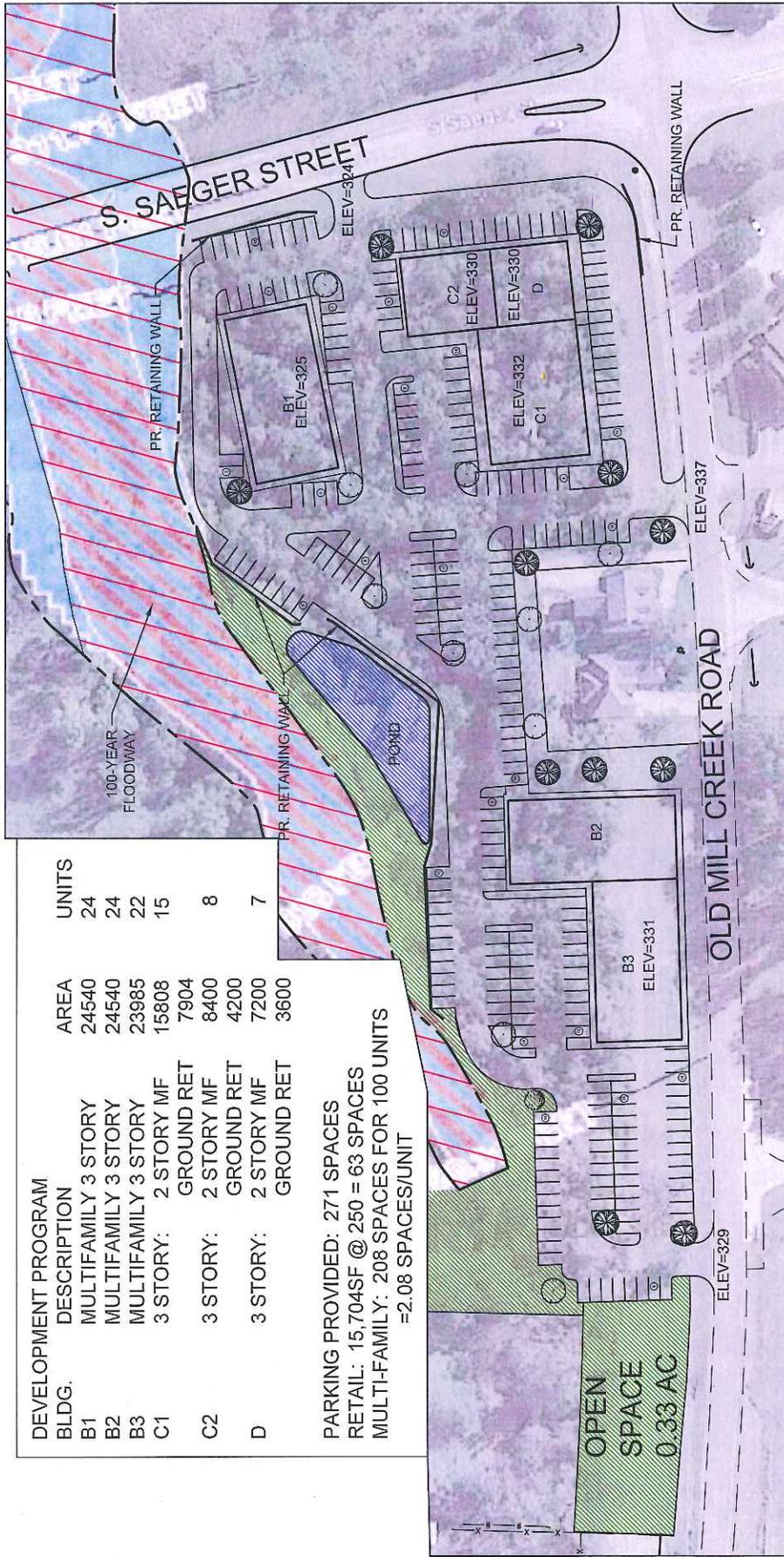
Boettcher Building, LLC


Ben E. Boettcher


Ben E. Boettcher

CC: Mark Millis





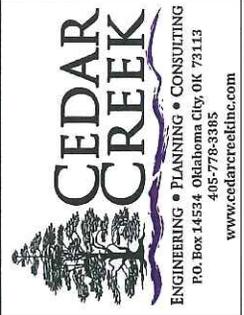
| DEVELOPMENT PROGRAM BLDG. | DESCRIPTION | AREA | UNITS |
|---------------------------|---------------------|-------|-------|
| B1 | MULTIFAMILY 3 STORY | 24540 | 24 |
| B2 | MULTIFAMILY 3 STORY | 24540 | 24 |
| B3 | MULTIFAMILY 3 STORY | 23985 | 22 |
| C1 | 3 STORY: 2 STORY MF | 15808 | 15 |
| | GROUND RET | 7904 | |
| C2 | 3 STORY: 2 STORY MF | 8400 | 8 |
| | GROUND RET | 4200 | |
| D | 3 STORY: 2 STORY MF | 7200 | 7 |
| | GROUND RET | 3600 | |

PARKING PROVIDED: 271 SPACES
 RETAIL: 15,704SF @ 250 = 63 SPACES
 MULTI-FAMILY: 208 SPACES FOR 100 UNITS
 =2.08 SPACES/UNIT

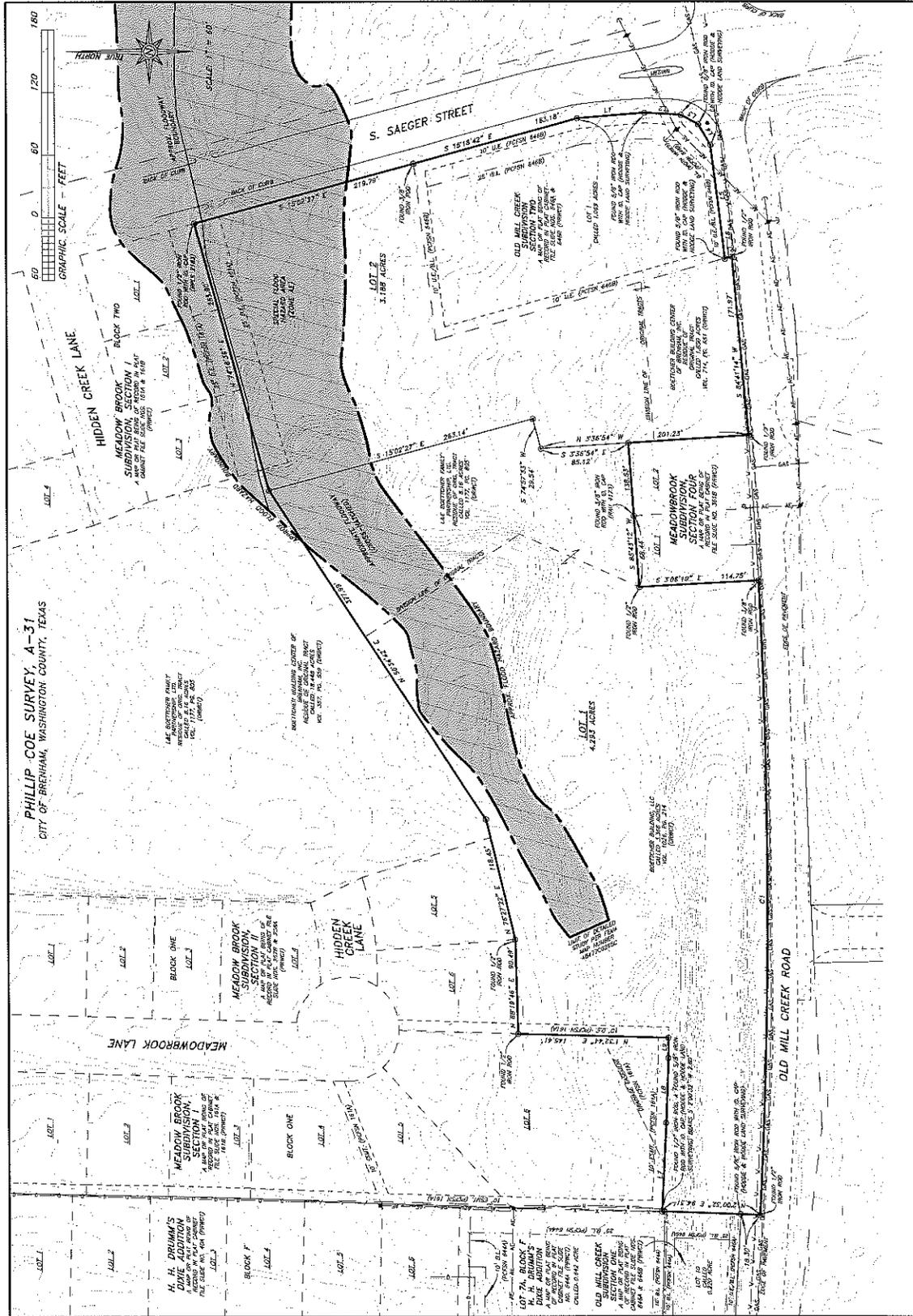
PRELIMINARY DETENTION CALCULATIONS
 EXISTING PEAK RUNOFF: 11.80 CFS
 PROPOSED PEAK TO POND: 30.16 CFS
 100 YEAR STORAGE REQUIRED: 0.5 AC-FT



VOLUME REQUIREMENTS
 ONSITE CUT/FILL: 14000CY
 IMPORT: 10000CY



FORMATTED FOR 11"X17" PAPER

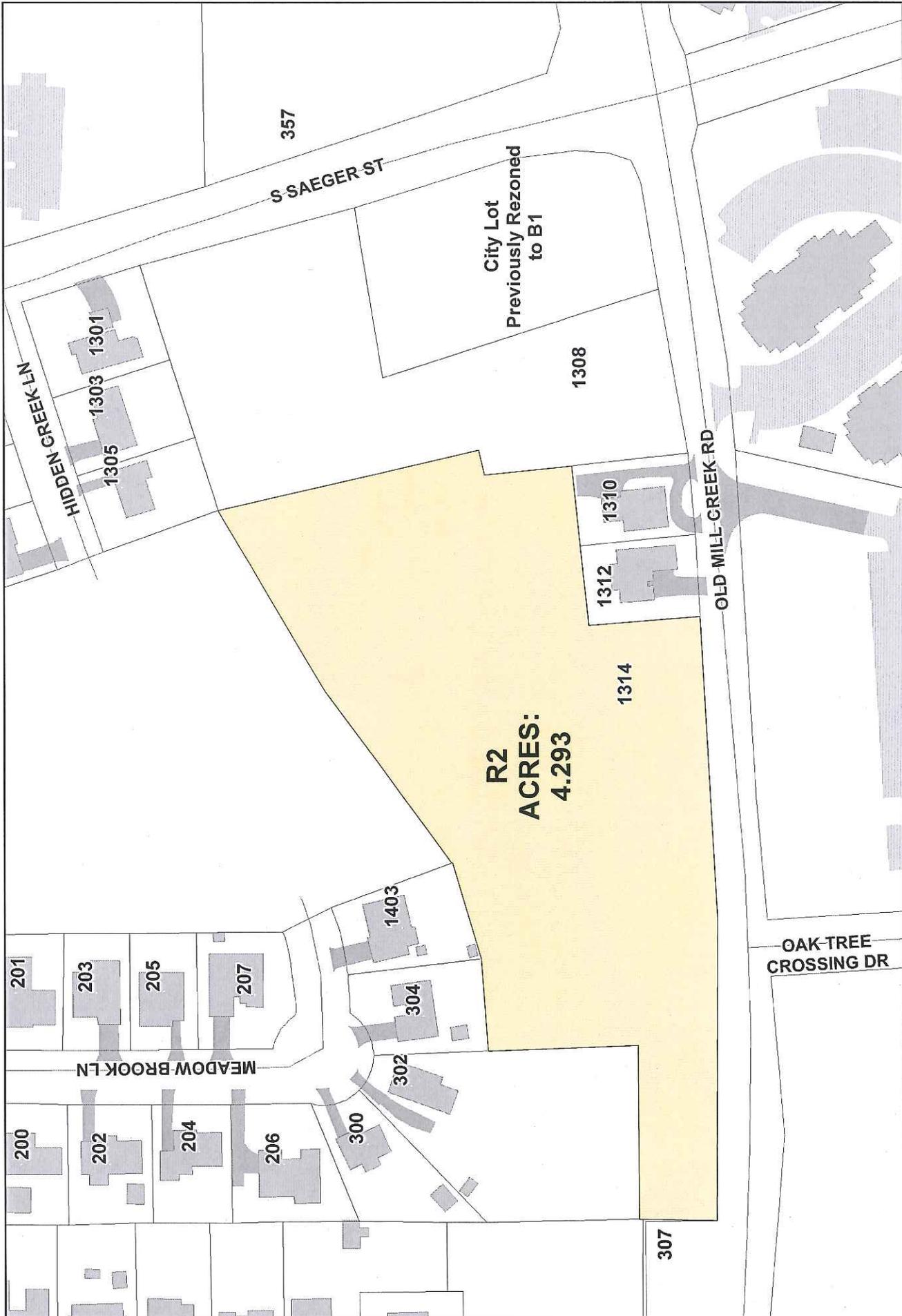


PHILLIP COE SURVEY, A-31
CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS

(PRELIMINARY)
JON E. HODDE, PLS. NO. 5187
THE PURPOSE OF THIS DOCUMENT IS FOR
PRELIMINARY REVIEW ONLY.
PRELIMINARY. THIS DOCUMENT SHALL NOT
BE RECORDED FOR ANY PURPOSE.

BLINN MILL CREEK SUBDIVISION
BEING OUT OF THE PHILLIP COE SURVEY, A-31
CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS
CONSISTING OF 1 RESIDENTIAL LOT (LOT 1) AND 1 COMMERCIAL LOT (LOT 2)
7.461 TOTAL ACRES IN SUBDIVISION
DATE: FEBRUARY 4, 2016

H. G. NO. 7029 (CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS) REC. COMMER-SURVEY
Hodde & Hodde Land Surveying, Inc.
Professional Land Surveying
613 E. Blue Bell Road • Brenham, Texas 77833
979-836-5681 • 979-836-5683 (fax)
www.hoddesurveying.com

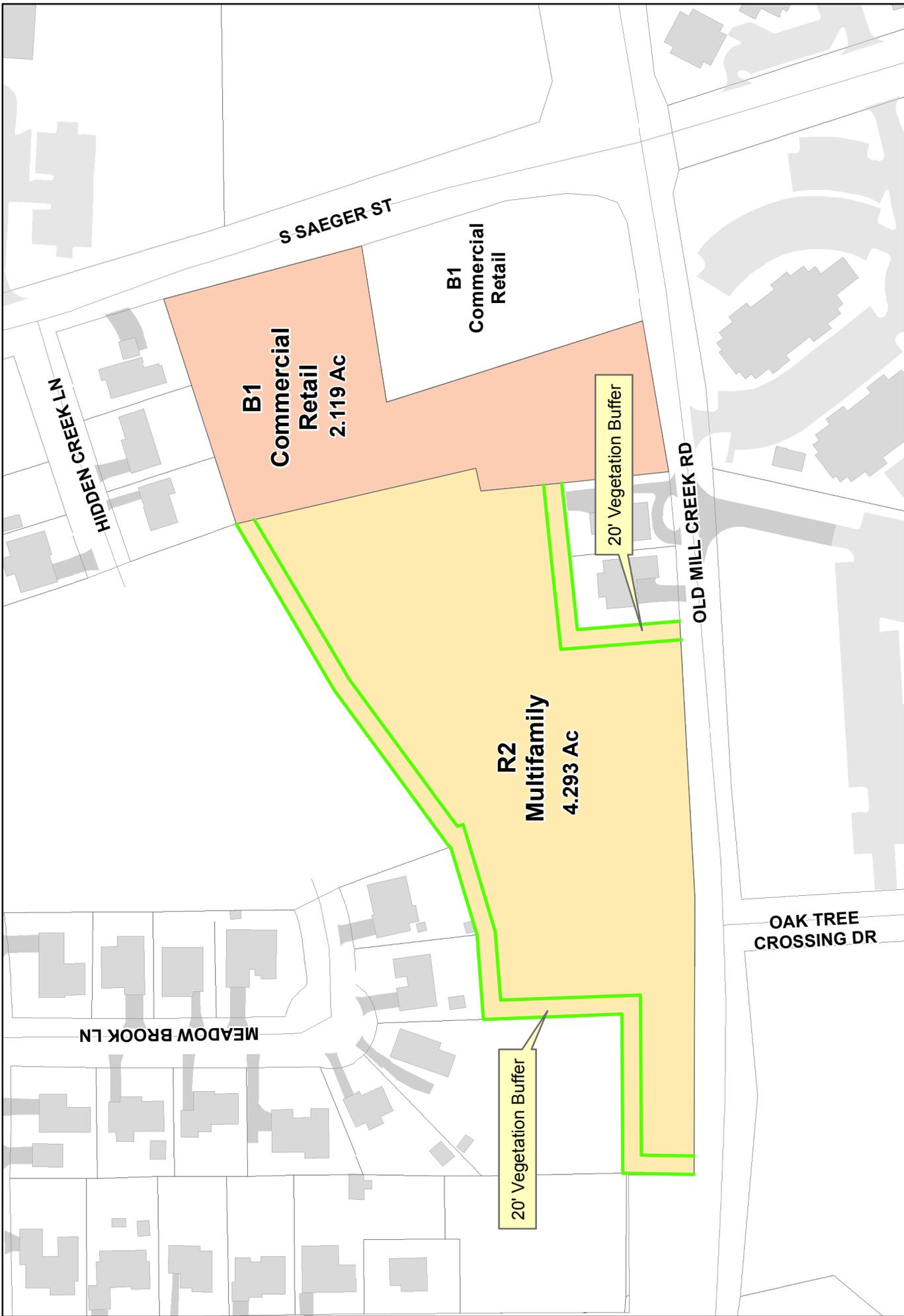


1 inch = 125 feet



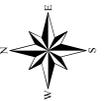
Blinn Mill Creek Subdivision "Zoning Exhibit R2"





Mill Creek Saeger Subdivision "Zoning/Comprehensive Plan Exhibit"

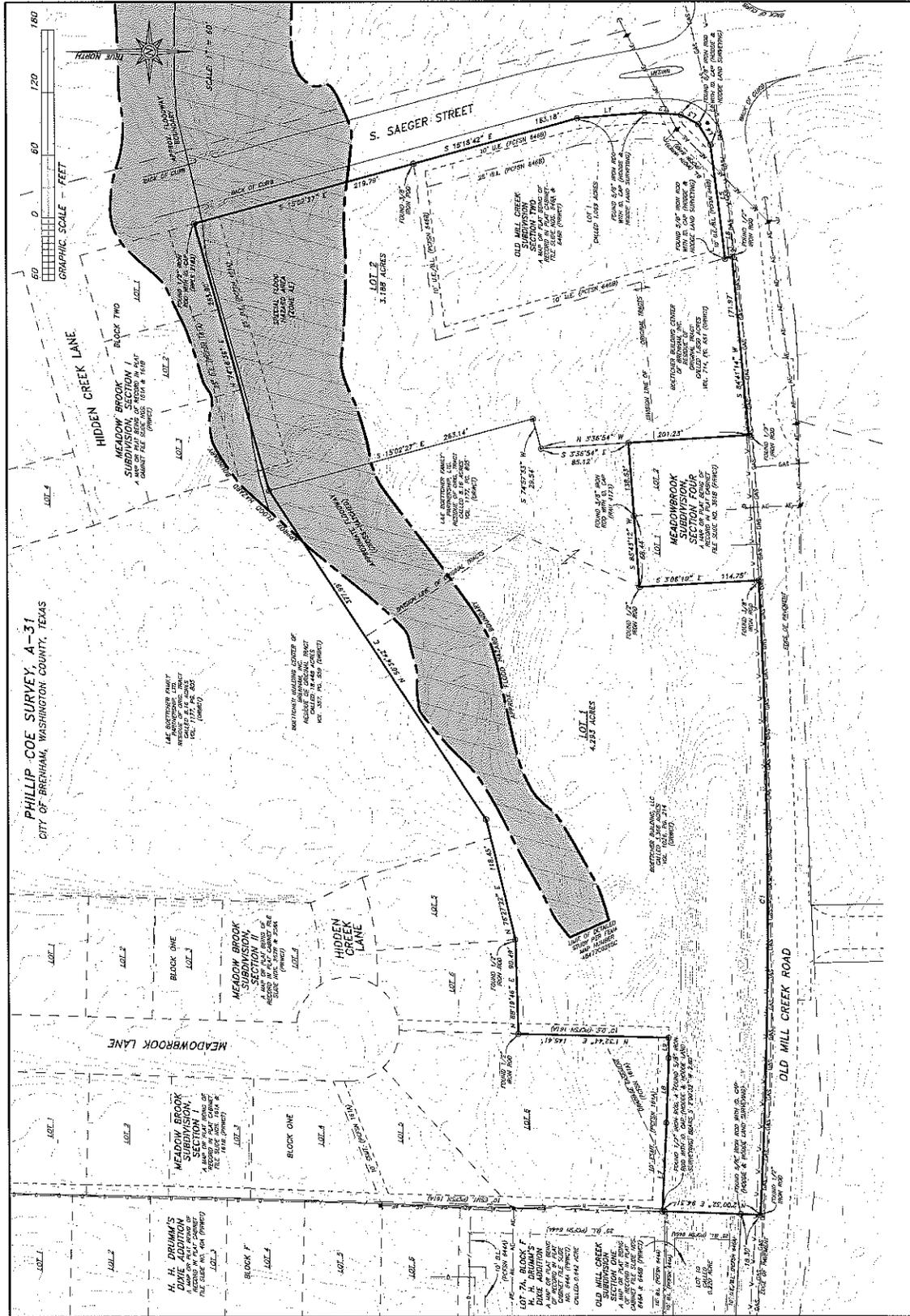
1 inch = 136 feet





AGENDA ITEM 8

| | | |
|---|--|--|
| DATE OF MEETING: April 21, 2016 | DATE SUBMITTED: April 15, 2016 | |
| DEPT. OF ORIGIN: Development Services | SUBMITTED BY: Erik Smith | |
| MEETING TYPE: | CLASSIFICATION: | ORDINANCE: |
| <input checked="" type="checkbox"/> REGULAR | <input checked="" type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> 1 ST READING |
| <input type="checkbox"/> SPECIAL | <input type="checkbox"/> CONSENT | <input type="checkbox"/> 2 ND READING |
| <input type="checkbox"/> EXECUTIVE SESSION | <input type="checkbox"/> REGULAR | <input type="checkbox"/> RESOLUTION |
| | <input type="checkbox"/> WORK SESSION | |
| AGENDA ITEM DESCRIPTION: Public Hearing to Consider an Amendment of the City of Brenham’s “Envision 2020” Comprehensive Plan Future Land Use Map to Change the District From a Recreational/Open Space District to a Commercial/Retail District on a Tract of Land Described as 2.119 Acres Out of the Phillip Coe Survey, A-31, Located at the Northwest Corner of the Intersection of Old Mill Creek Road and S. Saeger Street in Brenham, Washington County, Texas | | |
| SUMMARY STATEMENT: This is a request for an amendment to the “Envision 20/20” Comprehensive Plan. The specific parcel is a tract of land described as 2.119 acres of land on the northwest corner of the intersection of Old Mill Creek Road and South Saeger Street out of the Phillip Coe Survey in Brenham, Washington County, Texas. The current district as designated by the Comprehensive Plan is Recreation/Open Space. The City of Brenham is requesting the Comprehensive Plan be amended to designate this parcel as a Commercial/Retail District. The Comprehensive Plan is a document the City uses to help guide planning and future zoning changes for future growth. To follow best practices it would be ideal to change the comprehensive plan when a rezoning request is made so the two maps do not conflict with one another. | | |
| STAFF ANALYSIS (For Ordinances or Regular Agenda Items): | | |
| A. PROS: Keeps the Comprehensive Plan Map and Zoning Map from conflicting with one another. | | |
| B. CONS: | | |
| ALTERNATIVES (In Suggested Order of Staff Preference): | | |
| ATTACHMENTS: (1) Survey; (2) Comp Plan Exhibit; and (3) Comprehensive Plan Future Land Use Map | | |
| FUNDING SOURCE (Where Applicable): | | |
| RECOMMENDED ACTION: No action required – Public Hearing only. | | |
| APPROVALS: Terry K. Roberts | | |



(PRELIMINARY)
 JON E. HODDE, PLS. NO. 5187
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BLINN MILL CREEK SUBDIVISION
 BEING OUT OF THE PHILLIP COE SURVEY, A-31
 CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS
 CONSISTING OF 1 RESIDENTIAL LOT (LOT 1) AND 1 COMMERCIAL LOT (LOT 2)
 7.481 TOTAL ACRES IN SUBDIVISION
 DATE: FEBRUARY 4, 2016

W. O. NO. 7029 (CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS) REC. COMMERCE
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 www.hoddesurveying.com



1 inch = 125 feet



Blinn Mill Creek Subdivision "Comp Plan Exhibit"



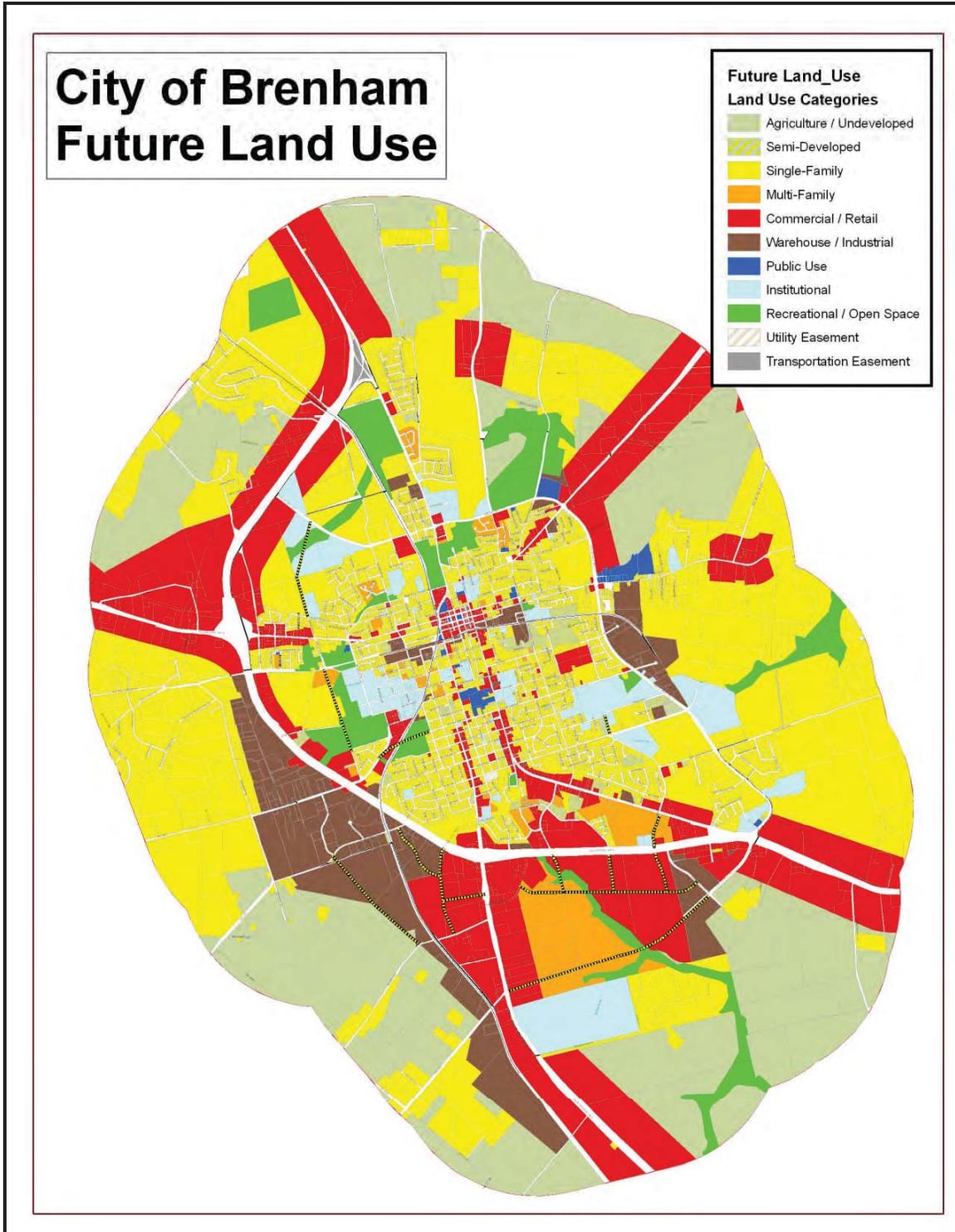


Illustration 6-5: The Future Land Use map for the City of Brenham illustrates desired growth patterns over the next 15 to twenty years.



AGENDA ITEM 9

| | | |
|---|---|--|
| DATE OF MEETING: April 21, 2016 | DATE SUBMITTED: April 15, 2016 | |
| DEPT. OF ORIGIN: Development Services | SUBMITTED BY: Erik Smith | |
| MEETING TYPE: | CLASSIFICATION: | ORDINANCE: |
| <input checked="" type="checkbox"/> REGULAR | <input checked="" type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> 1ST READING |
| <input type="checkbox"/> SPECIAL | <input type="checkbox"/> CONSENT | <input type="checkbox"/> 2ND READING |
| <input type="checkbox"/> EXECUTIVE SESSION | <input type="checkbox"/> REGULAR | <input type="checkbox"/> RESOLUTION |
| | <input type="checkbox"/> WORK SESSION | |
| AGENDA ITEM DESCRIPTION: Public Hearing to Consider an Amendment to the Official Zoning Map of the City of Brenham, to Change the Zoning District from a Single Family Residential Use (R-1) District to a Local Business/Residential Mixed Use (B-1) District on a Tract of Land Described as 2.119 Acres Out of the Phillip Coe Survey, A-31, Located on the Northwest Corner of the Intersection of Old Mill Creek Road and S. Saeger Street in Brenham, Washington County, Texas | | |
| SUMMARY STATEMENT: Mill Creek Saeger, LLC. has requested a zone change for property at the northwest corner of Old Mill Creek Road and S. Saeger Street which consists of 2.119 acres of land. The land is currently zoned R-1 single family residential and the request is to change the zoning to B-1 local business/residential mixed use. This type of change would allow for a combination multifamily apartment complexes and businesses if the applicant desires. | | |
| The applicant is applying with permission from the property owner. Sale of the land is pending the results of the applicants multiple requests including this item. The apartments and retail space proposed would be open to the public but the apartments would likely house mostly Blinn students. The first floor of the proposal as presented to staff would be retail. | | |
| The Staff received a protest for the related zone change request for this item. There were multiple concerns that were raised to staff at the Planning and Zoning public hearing which included increased drainage, privacy, allowing a three story building, decreased property values, increased traffic, clearing of vegetation and parking lots in backyards. Staff explained to the public at this time this was a land use matter and that we have not received an approvable site plan, civil drawings or construction drawings at this point because the applicant wants to know if the land use will be approved prior to spending money on those items. We explained there are existing rules the applicant would be required to follow as all applicants are required. | | |

Staff does support this item for multiple reasons:

- This is considered transitional zoning, and;
- Thoroughfares support this type of development, and;
- This request does not change the makeup of the area as a whole due to the fact there are apartments or are apartments in the planning stages for all four corners of this intersection, and;
- This will add to economic development.

The Planning and Zoning Commission asked staff to bring to City Councils attention they would like Old Mill Creek prioritized as a road improvement project to help accommodate this request. The width of the asphalt, 24', is in line with a minor collector for the area near this development but curbs would need to be added to bring this into compliance with what the design standards shows for a minor collector street. The portion of Old Mill Creek on the west side of Highway 290 is not a minor collector and is not 24' in width.

Comprehensive Plan Compliance

The Envision 20/20 Comprehensive Plan lists this property as Recreational/Open Space. The current zoning for this property is R-1 – Single Family District. These two documents are in direct conflict with one another. Both of these issues are on the agenda as requests to align the documents so there is not conflict.

Thoroughfare Plan Compliance

Old Mill Creek Road is classified as a Minor Collector.

South Saeger Street is considered a Major Collect.

Both of these types of street classification would support this type of use.

Public Concerns

Staff has received a protest from neighboring property owners for the zone change request for this property. The protest did not meet minimum requirements to require a super majority of the Council for approval.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. PROS: Allow for additional multifamily residential and first floor retail to accommodate students and provide options for people desiring to live in multifamily residences.

B. CONS: Neighboring property owners have submitted a protest to the zoning directly tied to the SUP in opposition of this type of development.

ALTERNATIVES (In Suggested Order of Staff Preference):

ATTACHMENTS: (1) General Application; (2) Owner Authorization Letter; (3) Land Plan; (4) Site Survey; and (5) Zoning Exhibit

FUNDING SOURCE (Where Applicable): N/A

RECOMMENDED ACTION: No action required – Public Hearing only.

APPROVALS: Terry K. Roberts



For office use only

APPLICATION NO. _____

MEETING DATE: 3-7-16

DATE SUBMITTED: 2/12/14

*pd #100
v#1002
rec#00972825*

CITY OF BRENHAM
GENERAL APPLICATION

Type of Application

- | | |
|---|--|
| <input type="checkbox"/> Variance from Appendix A: Zoning | <input type="checkbox"/> Zone Change |
| <input checked="" type="checkbox"/> Specific Use Permit | <input type="checkbox"/> Plan Review |
| <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Final Plat/Replat/Amending Plat |
| <input type="checkbox"/> Variance from Chapter 21: Signs | <input type="checkbox"/> Other: _____ |

Property Owners Information

Name L&E Boettcher Family Partnership, Ltd/Boettcher Building LLC

Principal Officers (If Corporation) President Ben Boettcher

Secretary N/A

Address 1702 S. Market Street, Brenham, TX 77833

Telephone Number 979-836-0523 E-mail Address ben@bbe-architects.com

Applicant Information

Name Blinn Mill Creek LLC

Address 7058 Lakeview Haven Dr #113 Houston, TX 77095

Telephone Number 713-690-1000 E-mail Address marcmillis@yahoo.com

Agent or Engineer Information

Name N/A

Address _____

Telephone Number _____ E-mail Address _____

Location of Property

Street Address: NWC Saeger Street and Old Mill Creek Road

Legal Description (attach metes and bounds description if not subdivided):

Subdivision: Blinn Mill Creek Block(s): _____ Lot(s): 1

Zoning Information

Existing Zoning: R-1 - Single Family

Proposed Zoning: R-2 - Multi-Family

Reasons for requesting zone change:* Applicant proposes to construct apartment housing on the property.

Variance Information

Section of Code from which variance is described:* _____

Describe variance requested:* _____

Reasons for requesting variance:* _____

Proposed Property Use

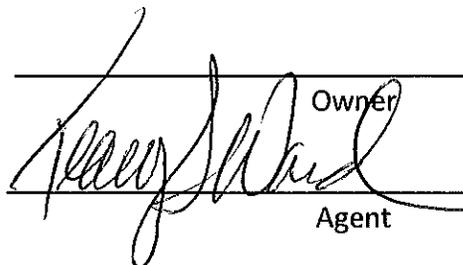
Describe in detail the proposed operation at this location:*

Apartment housing.

Construction Value \$ TBD

Site plans are required for variance, special use, and plan review requests; please see Ordinance No. 0-05-007 for minimum site plan requirements.

I, Terry S. Ward for Ben Boettcher, being the owner (or authorized agent) of the above described property, do hereby certify the information set forth above is true and correct. I further request that the Planning & Zoning Commission/Board of Adjustments/Plan Review Committee review this matter and take appropriate action.

Owner

Agent

BBA Architects LP

October 6, 2015

Mr. Erik Smith, Development Services Manager
City of Brenham
200 West Vulcan Street
Brenham, Texas 77833

Dear Erik:

I have entered into Sales Contracts on property in the Meadowbrook Subdivision, in the City of Brenham with Marc Millis and Terry Ward d/b/a T&M Properties. See attached map. The property is currently zoned as R-1 Residential Single Family. The future owners desire to develop the property for multi-family units and thereby request the area to be rezoned as R-2 Mixed Residential.

We hereby authorize T&M Properties to act as our agent in requesting a zoning amendment for the property.

Sincerely,

L&E Boettcher Family Partnership, Ltd.
by and through its general partner,
B & B Square, L.L.C.

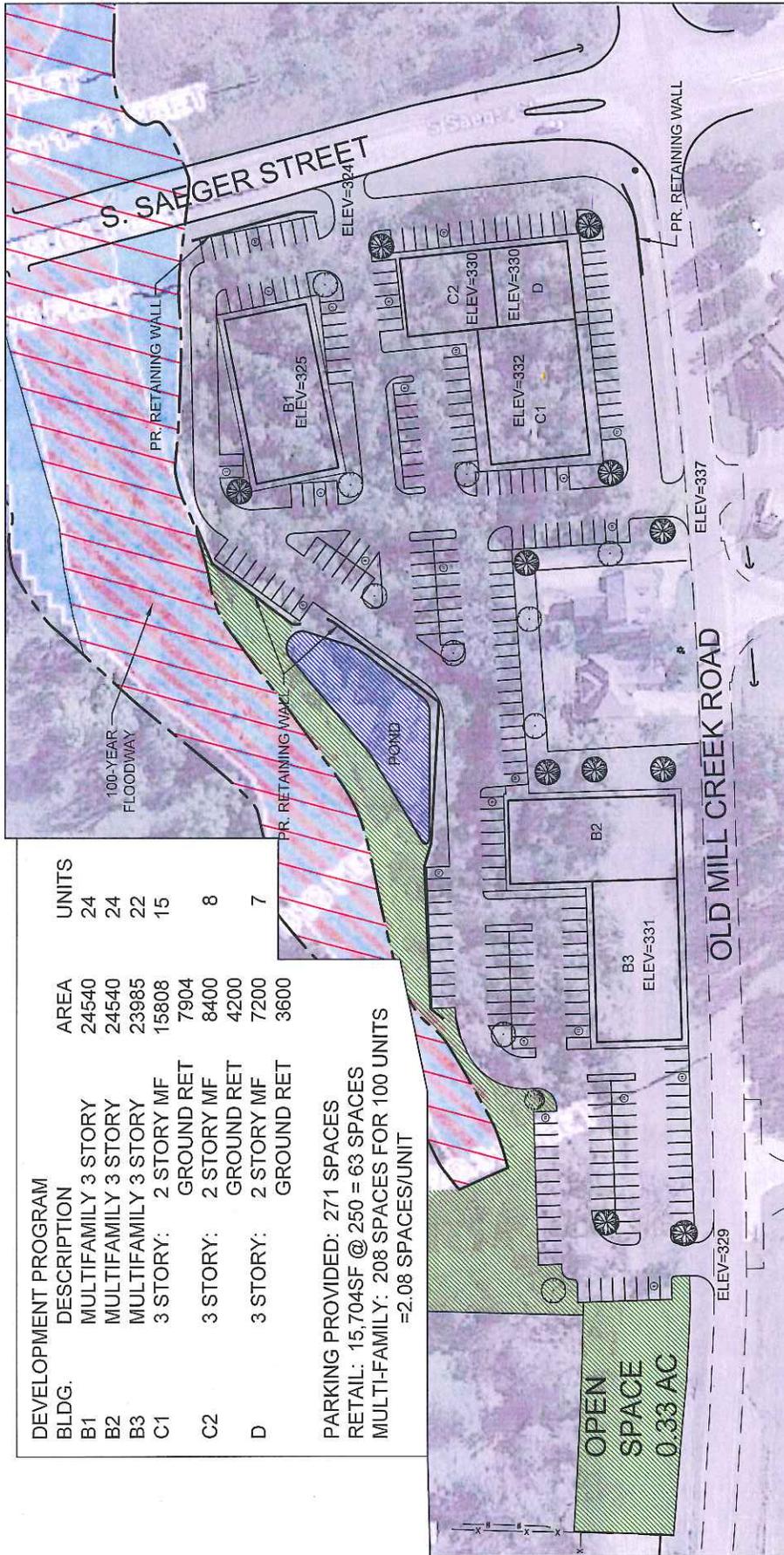
Boettcher Building, LLC


Ben E. Boettcher


Ben E. Boettcher

CC: Mark Millis



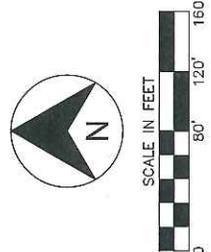


| DEVELOPMENT PROGRAM BLDG. | DESCRIPTION | AREA | UNITS |
|---------------------------|---------------------|-------|-------|
| B1 | MULTIFAMILY 3 STORY | 24540 | 24 |
| B2 | MULTIFAMILY 3 STORY | 24540 | 24 |
| B3 | MULTIFAMILY 3 STORY | 23985 | 22 |
| C1 | 3 STORY: 2 STORY MF | 15808 | 15 |
| | GROUND RET | 7904 | |
| C2 | 3 STORY: 2 STORY MF | 8400 | 8 |
| | GROUND RET | 4200 | |
| D | 3 STORY: 2 STORY MF | 7200 | 7 |
| | GROUND RET | 3600 | |

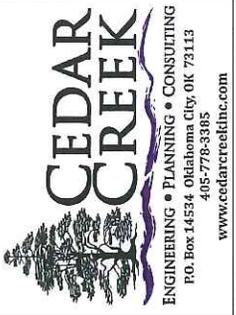
PARKING PROVIDED: 271 SPACES
 RETAIL: 15,704SF @ 250 = 63 SPACES
 MULTI-FAMILY: 208 SPACES FOR 100 UNITS
 =2.08 SPACES/UNIT

OPEN SPACE
 0.33 AC

PRELIMINARY DETENTION CALCULATIONS
 EXISTING PEAK RUNOFF: 11.80 CFS
 PROPOSED PEAK TO POND: 30.16 CFS
 100 YEAR STORAGE REQUIRED: 0.5 AC-FT

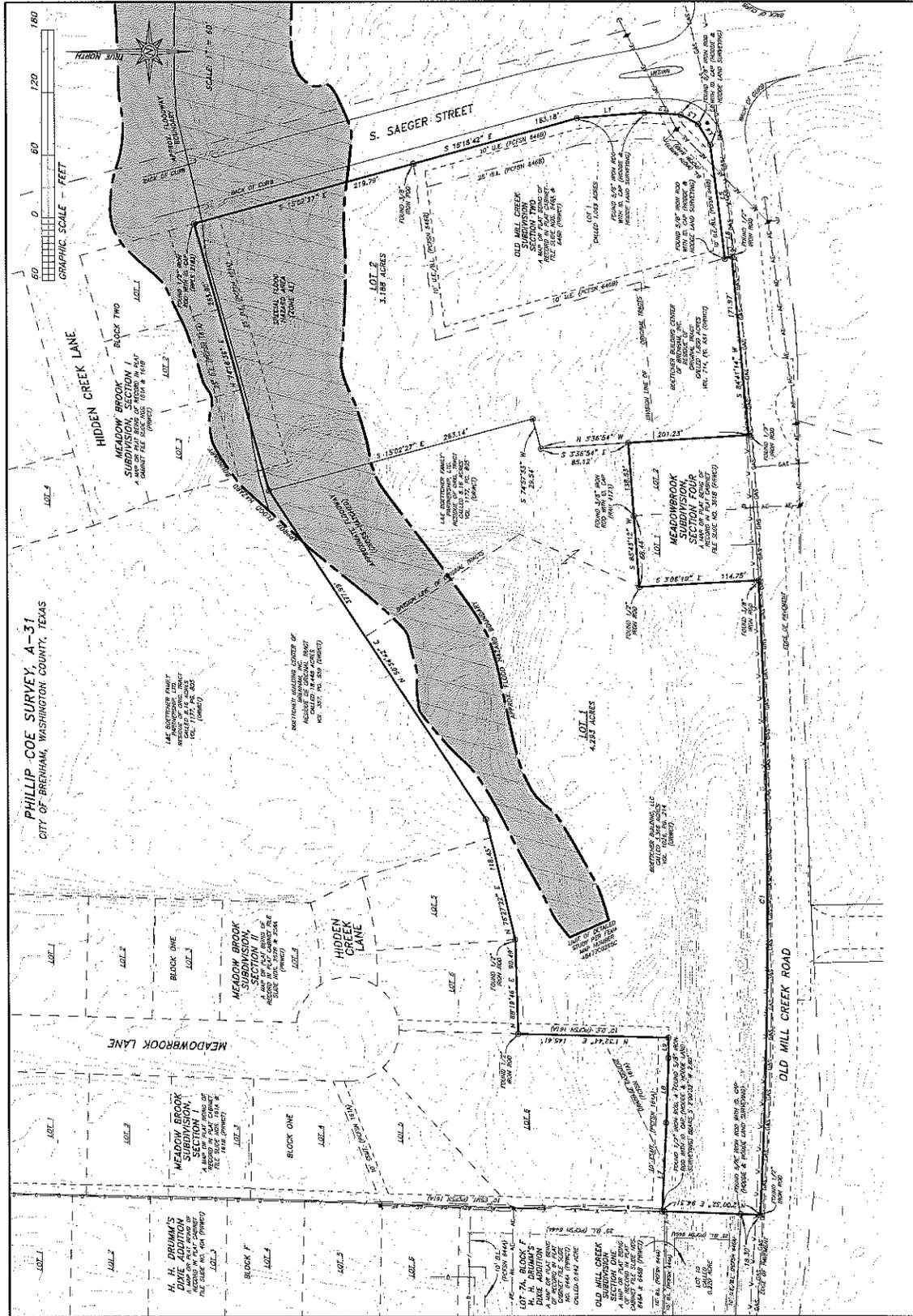


VOLUME REQUIREMENTS
 ONSITE CUT/FILL: 14000CY
 IMPORT: 10000CY



ENGINEERING • PLANNING • CONSULTING
 P.O. Box 14534, Oklahoma City, OK 73113
 405-778-3385
 www.cedarcreekinc.com

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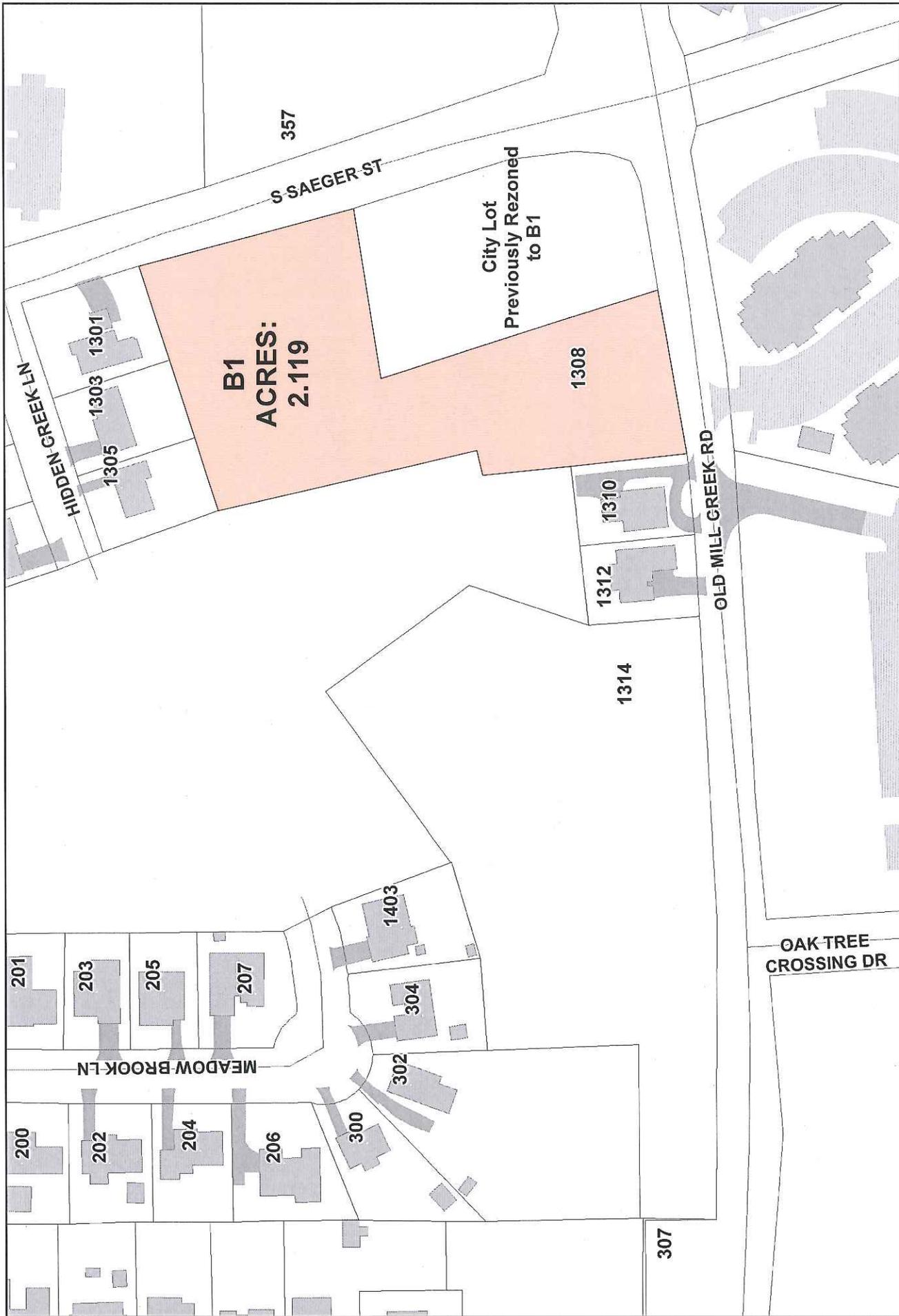


PHILLIP COE SURVEY, A-31
CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS

(PRELIMINARY)
 JON E. HODDE, PLS. NO. 5187
 THE PURPOSE OF THIS DOCUMENT IS FOR
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BLINN MILL CREEK SUBDIVISION
 BEING OUT OF THE PHILLIP COE SURVEY, A-31
 CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS
 CONSISTING OF 1 RESIDENTIAL LOT (LOT 1) AND 1 COMMERCIAL LOT (LOT 2)
 7.481 TOTAL ACRES IN SUBDIVISION
 DATE: FEBRUARY 4, 2016

H. G. NO. 7029 (CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS) REC. COMMERCIAL
Hodde & Hodde Land Surveying, Inc.
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 613 E. Blue Ball Road • Brenham, Texas 77833
 979-836-5681 • 979-836-5683 (fax)
 www.hoddesurveying.com



1 inch = 125 feet



Blinn Mill Creek Subdivision "Zoning Exhibit B1"





AGENDA ITEM 10

| | | | |
|---|--|---|--|
| DATE OF MEETING: April 21, 2016 | | DATE SUBMITTED: April 15, 2016 | |
| DEPT. OF ORIGIN: Development Services | | SUBMITTED BY: Erik Smith | |
| MEETING TYPE: | | CLASSIFICATION: | |
| <input checked="" type="checkbox"/> REGULAR | | <input type="checkbox"/> PUBLIC HEARING | |
| <input type="checkbox"/> SPECIAL | | <input type="checkbox"/> CONSENT | |
| <input type="checkbox"/> EXECUTIVE SESSION | | <input checked="" type="checkbox"/> REGULAR | |
| | | <input type="checkbox"/> WORK SESSION | |
| ORDINANCE: | | | |
| <input type="checkbox"/> 1 ST READING | | | |
| <input type="checkbox"/> 2 ND READING | | | |
| <input checked="" type="checkbox"/> RESOLUTION | | | |
| AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Resolution No. R-16-010 Providing for an Amendment to the City of Brenham’s “Envision 2020” Comprehensive Plan Future Land Use Map to Change the District From Recreational/Open Space District to a Multifamily District on a Tract of Land Described as 4.293 Acres Out of the Phillip Coe Survey, A-31, Located on the North Side of Old Mill Creek Road in Brenham, Washington County, Texas | | | |
| SUMMARY STATEMENT: This is a request for an amendment to the “Envision 20/20” Comprehensive Plan. The specific parcel is a tract of land described as 4.293 acres of land on the north side of Old Mill Creek Road out of the Phillip Coe Survey in Brenham, Washington County, Texas. The current district as designated by the Comprehensive Plan is Recreation/Open Space. The City of Brenham is requesting the Comprehensive Plan be amended to designate this parcel as a Multifamily District. The Comprehensive Plan is a document the City uses to help guide planning and future zoning changes for future growth. To follow best practices it would be ideal to change the comprehensive plan when a rezoning request is made so the two maps do not conflict with one another. | | | |
| STAFF ANALYSIS (For Ordinances or Regular Agenda Items): | | | |
| A. PROS: Keeps the Comprehensive Plan Map and Zoning Map from conflicting with one another. | | | |
| B. CONS: | | | |
| ALTERNATIVES (In Suggested Order of Staff Preference): | | | |
| ATTACHMENTS: (1) Resolution No. R-16-010 | | | |
| FUNDING SOURCE (Where Applicable): | | | |

RECOMMENDED ACTION: Approve Resolution No. R-16-010 providing for an amendment to the City of Brenham's "Envision 2020" Comprehensive Plan Future Land Use Map to change the district from Recreational/Open Space District to a Multifamily District on a tract of land described as 4.293 acres out of the Phillip Coe Survey, A-31, located on the North Side of Old Mill Creek Road in Brenham, Washington County, Texas

APPROVALS: Terry K. Roberts

RESOLUTION NO. R-16-010

RESOLUTION PROVIDING FOR THE AMENDMENT OF THE FUTURE LAND USE MAP OF THE CITY OF BRENHAM ENVISION 2020 COMPREHENSIVE PLAN.

WHEREAS, the City of Brenham currently has a comprehensive plan entitled City of Brenham “Envision 2020” Comprehensive Plan; and

WHEREAS, the Envision 2020 Comprehensive Plan includes a Future Land Use Map which guides future development of the City; and

WHEREAS, the property located on the north side of Old Mill Creek subdivision, being 4.293 acres out of the Phillip Coe Survey, A-31, is designated as Recreational/Open Space on the Future Land Use Map;

WHEREAS, the City of Brenham desires to amend the Future Land Use Map of the property located on the north side of Old Mill Creek subdivision, being 4.293 acres out of the Phillip Coe Survey, A-31, as Multifamily for future development;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS:

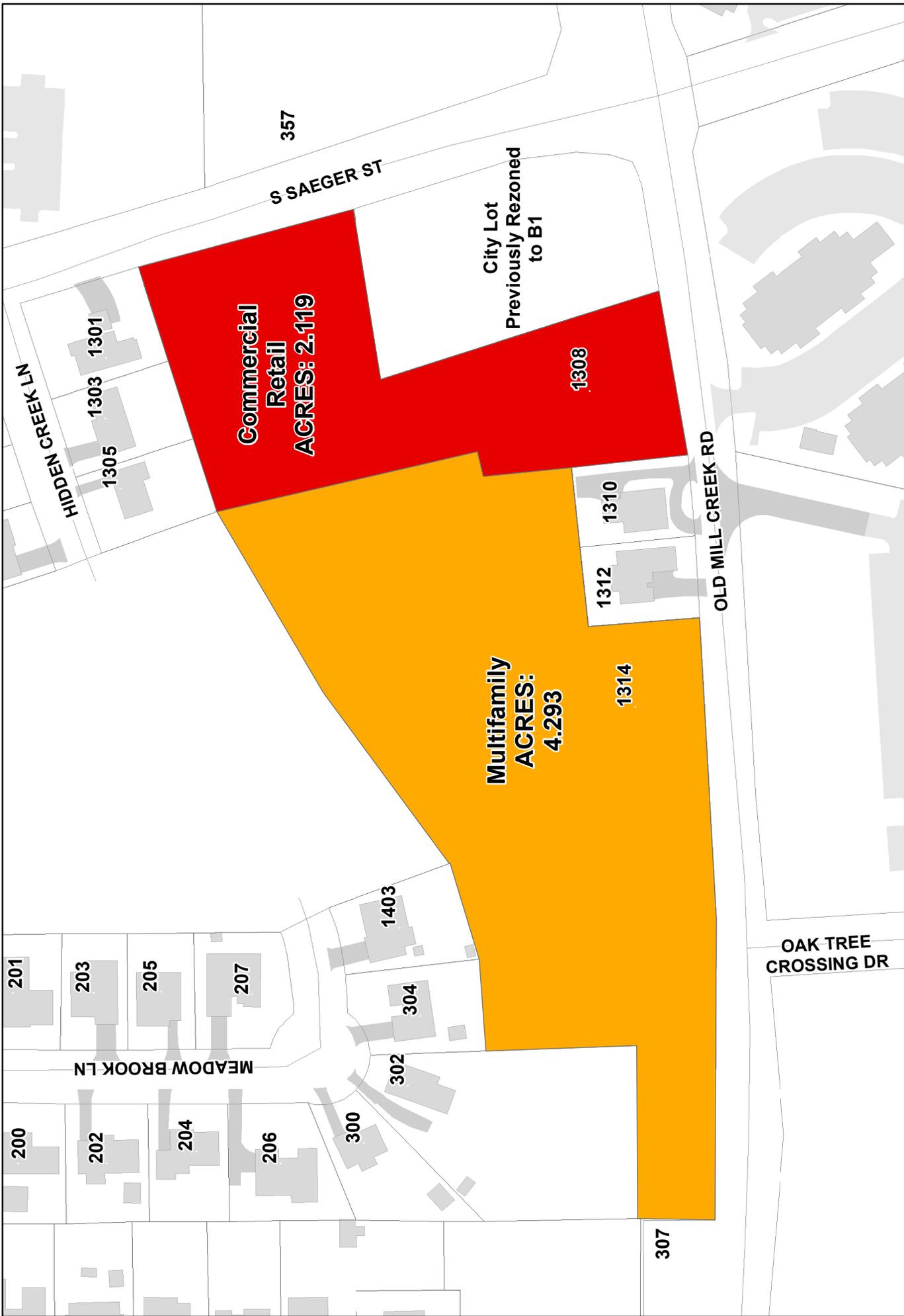
That the City of Brenham Envision 2020 Comprehensive Plan Future Land Use Map is hereby amended to designate the property located on the north side of Old Mill Creek subdivision, being 4.293 acres out of the Phillip Coe Survey, A-31, said 4.239 acres of land being more particularly described on Exhibit “A” attached hereto and incorporated herein for all purposes, as Multifamily for future development, and the Mayor is authorized to execute any necessary documentation.

RESOLVED this the _____ day of _____, 2016.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger
City Secretary



63 1 inch = 125 feet



Blinn Mill Creek Subdivision "Comp Plan Exhibit"





AGENDA ITEM 11

| | | |
|--|---|---|
| DATE OF MEETING: April 21, 2016 | DATE SUBMITTED: April 15, 2016 | |
| DEPT. OF ORIGIN: Development Services | SUBMITTED BY: Erik Smith | |
| MEETING TYPE: | CLASSIFICATION: | ORDINANCE: |
| <input checked="" type="checkbox"/> REGULAR | <input type="checkbox"/> PUBLIC HEARING | <input checked="" type="checkbox"/> 1 ST READING |
| <input type="checkbox"/> SPECIAL | <input type="checkbox"/> CONSENT | <input type="checkbox"/> 2 ND READING |
| <input type="checkbox"/> EXECUTIVE SESSION | <input checked="" type="checkbox"/> REGULAR | <input type="checkbox"/> RESOLUTION |
| | <input type="checkbox"/> WORK SESSION | |
| AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the Official Zoning Map of the City of Brenham, to Change the Zoning District From a Single Family Residential Use (R-1) District to a Mixed Residential Use (R-2) District on a Tract of Land Described as 4.293 Acres Out of the Phillip Coe Survey, A-31, Located on the North Side of Old Mill Creek Road in Brenham, Washington County, Texas | | |
| SUMMARY STATEMENT: Mill Creek Saeger, LLC. has requested a zone change for property on the north side of Old Mill Creek with consists of 4.293 acres of land. The land is currently zoned R-1 single family residential and the request is to change the zoning to R-2 Mixed Residential. This type of change would allow for multifamily apartment complexes. The applicant is applying with permission from the property owner. Sale of the land is pending the results of the applicants multiple requests including this item. The apartments proposed would be open to the public but would likely house mostly Blinn students. Staff received a protest for the related zone change request for this item. There were multiple concerns that were raised to staff at the Planning and Zoning public hearing which included increased drainage, privacy, allowing a three story building, decreased property values, increased traffic, clearing of vegetation and parking lots in backyards. Staff explained to the public at this time this was a land use matter and that we have not received an approvable site plan, civil drawings or construction drawings at this point because the applicant wants to know if the land use will be approved prior to spending money on those items. We explained there are existing rules the applicant would be required to follow as all applicants are required. Staff does support this item for multiple reasons: | | |
| <ul style="list-style-type: none"> - This is considered transitional zoning, and; - Thoroughfares support this type of development, and; - This request does not change the makeup of the area as a whole due to the fact there are apartments or are apartments in the planning stages for all four corners of this intersection, and; - This will add to economic development. | | |

The Planning and Zoning Commission asked staff to bring to City Councils attention they would like Old Mill Creek prioritized as a road improvement project to help accommodate this request. The width of the asphalt, 24', is in line with a minor collector for the area near this development but curbs would need to be added to bring this into compliance with what the design standards shows for a minor collector street. The portion of Old Mill Creek on the west side of Highway 290 is not a minor collector and is not 24' in width.

Comprehensive Plan Compliance

The Envision 20/20 Comprehensive Plan lists this property as Recreational/Open Space. The current zoning for this property is R-1 – Single Family District. These two documents are in direct conflict with one another. Both of these issues are on the agenda as requests to align the documents so there is not conflict.

Thoroughfare Plan Compliance

Old Mill Creek Road is classified as a Minor Collector.

South Saeger Street is considered a Major Collect.

Both of these types of street classification would support this type of use.

Public Concerns

Staff has received a valid protest for this request from the neighboring property owners. Staff has reviewed the petition and verified there were 13 property owners that fell within the 200 ft. buffer zone that had all or part of their property fall within the area that can be used to count against the rezone. The total amount of land area in the protest zone is 24.67%. The required land area in the protest zone to qualify is 20%. The protest is valid and will require a super majority vote or 75% for approval.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. PROS: Allow for additional multifamily residential to accommodate students and provide options for people desiring to live in multifamily residences.

B. CONS: Neighboring property owners have submitted a protest to the zoning directly tied to the SUP in opposition of this type of development.

ALTERNATIVES (In Suggested Order of Staff Preference):

ATTACHMENTS: (1) Ordinance

FUNDING SOURCE (Where Applicable): N/A

RECOMMENDED ACTION: Approve an Ordinance on its first reading amending the official zoning map of the City of Brenham, to change the zoning district from a Single Family Residential Use (R-1) District to a Mixed Residential Use (R-2) District on a tract of land described as 4.293 acres out of the Phillip Coe Survey, A-31, located on the north side of Old Mill Creek Road in Brenham, Washington County, Texas

APPROVALS: Terry K. Roberts

ORDINANCE NO. _____

AN ORDINANCE AMENDING APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, CHANGING THE OFFICIAL ZONING MAP FROM A RESIDENTIAL (R-1) DISTRICT TO A MIXED RESIDENTIAL (R-2) DISTRICT ON 4.293 ACRES OF LAND LOCATED ON THE NORTH SIDE OF OLD MILL CREEK ROAD OUT OF THE PHILLIP COE SURVEY, A-31, IN BRENHAM, WASHINGTON COUNTY, TEXAS.

WHEREAS, the City of Brenham has adopted Appendix A – “Zoning” of the City of Brenham Code of Ordinances, as amended, which divides the City of Brenham into various zoning districts; and

WHEREAS, Appendix A – “Zoning” of the City of Brenham Code of Ordinance authorizes the City Council to grant zoning amendments within the various zoning districts; and

WHEREAS, this amendment was recommended for approval by the City of Brenham Planning and Zoning Commission during its regular meeting on March 7, 2016; and

WHEREAS, this amendment is in compliance with the City of Brenham’s “Envision 2020” Comprehensive Plan; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF BRENHAM, TEXAS, THAT APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AND THE OFFICIAL ZONING MAP BE AMENDED IN THE FOLLOWING MANNER:

SECTION 1. That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, and the Official Zoning Map of the City of Brenham is hereby amended by changing the zoning from a Residential (R-1) District to Mixed Residential (R-2) District on 4.293 acres of land on the north side of Old Mill Creek Road out of the Phillip Coe Survey, A-31, in Brenham, Washington County, Texas, said 4.239 acres of land being more particularly described on Exhibit “A” attached hereto and incorporated herein for all purposes.

SECTION 2. This Ordinance shall take effect as provided by the Charter of the City of Brenham, Texas.

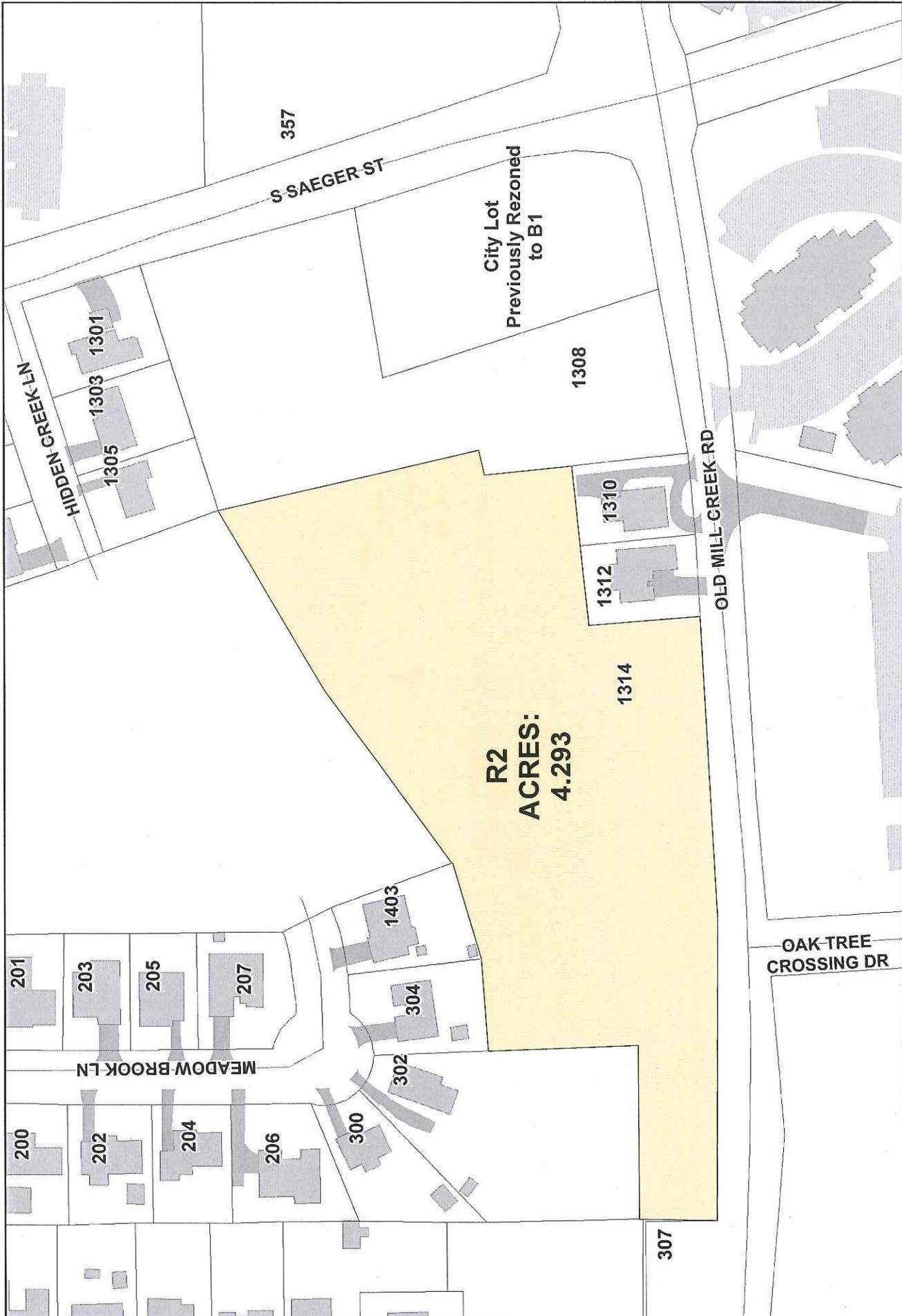
PASSED and APPROVED on its first reading this the 21st April, 2016.

PASSED and APPROVED on its second reading this the 5th day of May, 2016.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary



1 inch = 125 feet



**Blinn Mill Creek Subdivision
"Zoning Exhibit R2"**





AGENDA ITEM 12

| | | | |
|--|---|---|--|
| DATE OF MEETING: April 21, 2016 | | DATE SUBMITTED: April 15, 2016 | |
| DEPT. OF ORIGIN: Development Services | | SUBMITTED BY: Erik Smith | |
| MEETING TYPE: | CLASSIFICATION: | ORDINANCE: | |
| <input checked="" type="checkbox"/> REGULAR | <input type="checkbox"/> PUBLIC HEARING | <input checked="" type="checkbox"/> 1 ST READING | |
| <input type="checkbox"/> SPECIAL | <input type="checkbox"/> CONSENT | <input type="checkbox"/> 2 ND READING | |
| <input type="checkbox"/> EXECUTIVE SESSION | <input checked="" type="checkbox"/> REGULAR | <input type="checkbox"/> RESOLUTION | |
| | <input type="checkbox"/> WORK SESSION | | |
| AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Appendix – A “Zoning” of the Code of Ordinances of the City of Brenham Granting a Specific Use Permit to Allow a Multifamily Development on a Site of Two (2) or More Acres of Land on the North Side of Old Mill Creek Road in Brenham, Washington County, Texas | | | |
| SUMMARY STATEMENT: Mill Creek Saeger, LLC. has requested a special use permit (SUP) for a 4.293 acre tract of land on the north side of Old Mill Creek Road being 4.293 acres out of the Phillip Coe Survey in the City of Brenham to allow for a multifamily development on 2 acres of land or more. The applicant is applying with permission from the property owner. Sale of the land is pending depending on results of the applicants multiple requests including this item. The apartments proposed would be open to the public but would likely house mostly Blinn students. Staff received a protest for the related zone change request for this item. Privacy for the existing neighboring homeowners was a concern. Staff made a recommendation to the Planning and Zoning Commission to place restrictions on the 20’ buffer yard requirement to require the applicant to keep vegetation in place during the construction period or replace existing vegetation with trees after vegetation for the entire 20’ buffer yard abutting any single family residential district. Under current existing ordinances the applicant could build a parking lot into the buffer yard with only 20% of the outermost portion of the buffer to remain vegetation which could simply be grass. This would amount to as little as a four foot buffer separation between the new development and existing single family residential. With the condition the applicant would require to leave the 20’ buffer with trees and in the instance of a large established tree being removed could even be required to plant 2 – 3 trees in its place depending on size. | | | |
| A summary of the tree replacement condition listed in the ordinance is: | | | |
| <ul style="list-style-type: none"> - Replacement trees shall be required if existing trees are removed during construction, unless the tree caliper size is less than 3.00 inches. Trees with a caliper size of less than 3.00 inches will not be required to be replaced. - A tree with a caliper size of 3.00 inches to 8.00 inches shall remain in place or be replaced with a tree having a caliper size within the same size range if removed during construction. | | | |

- A tree with a caliper size of more than 8.00 inches to 12.00 inches shall remain in place, or if removed: 1) be replaced with a tree having a caliper size within the same size range; or 2) be replaced with two (2) trees having a caliper size of 3.00 inches to 8.00 inches.
- A tree with a caliper size of more than 12.00 inches and above shall remain in place, or if removed: 1) be replaced with a tree having a caliper size within the same size range; 2) be replaced with two (2) trees having a caliper size of more than 8.00 inches to 12.00 inches or 3) be replaced with three (3) trees having a caliper size of 3.00 inches to 8.00 inches.

In addition to the buffer and tree caliper conditions being recommended for this project the developer has requested that an additional .33 acre tract of land at the southwestern corner of the property be added as permanent green space to the 4.293 acre tract to help with a buffer zone. This area will remain as a permanent open space on the property. During construction this area will be disturbed but remain as open space thereafter.

Without a Special Use Permit for this land the property would not allow for this type of development to occur. Lower density units such as cluster housing, group residential, multifamily on two acres or less and duplexes are types of multifamily that are allowed “by right”.

Comprehensive Plan Compliance

The Envision 20/20 Comprehensive Plan lists this property as Recreational/Open Space. The current zoning for this property is R-1 – Single Family District. These two documents are in direct conflict with one another. Both of these issues are on the agenda as requests to align the documents so there is not conflict.

Thoroughfare Plan Compliance

Old Mill Creek Road is classified as a Minor Collector.

South Saeger Street is considered a Major Collect.

Both of these types of street classification would support this type of use.

Public Concerns

Staff has received a valid protest for this request from the neighboring property owners. Staff has reviewed the petition and verified there were 13 property owners that fell within the 200 ft. buffer zone that had all or part of their property fall within the area that can be used to count against the rezone. The total amount of land area in the protest zone is 24.67%. The required land area in the protest zone to qualify is 20%. The protest is valid and will require a super majority vote or 75% for approval.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. PROS: Allow for additional multifamily residential to accommodate students and provide options for people desiring to live in multifamily residences.

B. CONS: Neighboring property owners have submitted a protest to the zoning directly tied to the SUP in opposition of this type of development.

ALTERNATIVES (In Suggested Order of Staff Preference):

ATTACHMENTS: (1) Ordinance

FUNDING SOURCE (Where Applicable):

RECOMMENDED ACTION: Approve an ordinance on its first reading amending Appendix – A “Zoning” of the Code of Ordinances of the City of Brenham granting a specific use permit to allow a multifamily development on a site of two (2) or more acres of land on the north side of Old Mill Creek Road in Brenham, Washington County, Texas

APPROVALS: Terry K. Roberts

ORDINANCE NO. _____

AN ORDINANCE AMENDING APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AMENDING THE OFFICIAL ZONING MAP TO GRANT A SPECIFIC USE PERMIT TO MILL CREEK SAEGER LLC ON BEHALF OF L&E BOETTCHER FAMILY PARTNERSHIP, LTD, BOETTCHER BUILDING CENTER OF BRENHAM, LAND OWNER, FOR A MULTIFAMILY DEVELOPMENT THAT MEETS THE STANDARD DENSITY REQUIREMENTS FOR THE R-2 DISTRICT, AND THAT IS PROPOSED FOR A DEVELOPMENT SITE OF TWO (2) ACRES OR MORE IN AN R-2 (MIXED RESIDENTIAL) ZONING DISTRICT, BEING LOCATED ON THE NORTH SIDE OF OLD MILL CREEK ROAD, AND BEING FURTHER DESCRIBED AS 4.293 ACRES OUT OF THE PHILIP COE SURVEY, A-31, IN BRENHAM, WASHINGTON COUNTY, TEXAS.

WHEREAS, the City of Brenham has adopted Appendix A – “Zoning” of the City of Brenham Code of Ordinances, as amended, which divides the City of Brenham into various zoning districts; and

WHEREAS, Appendix A – “Zoning” of the City of Brenham Code of Ordinance authorizes the City Council to grant specific use permits for specific uses within the various zoning districts; and

WHEREAS, this amendment was recommended for approval by the Brenham Planning and Zoning Commission during its regular meeting on March 7, 2016 with a condition requiring trees to remain or be replaced in the 20’ buffer yard requirement between the 4.293 acre tract and any abutting property zoned as R-1 Single Family Residential; and

WHEREAS, this amendment will include a condition to require a .33 acre open space area be preserved in the southwestern-most corner of the 4.293 acre tract of land, and mandating that the open space area will remain as a vegetative area to be left as an undeveloped and undisturbed open space area; and

WHEREAS, the City Council desires to approve this Ordinance granting the specific use permit, with conditions, as described herein below;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF BRENHAM, TEXAS, THAT APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AND THE OFFICIAL ZONING MAP BE AMENDED IN THE FOLLOWING MANNER:

SECTION 1. That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, and the Official Zoning Map of the City of Brenham is hereby amended to grant a specific use permit to Mill Creek Saeger, LLC on behalf of L&E Boettcher Family Partnership, LTD, Boettcher Building Center of Brenham, land owner, its successors and assigns, for a Multifamily development that meets the standard density requirements for the R-2 District, and that is proposed for a development site of two (2) acres or more in an R-2 (Mixed Residential) zoning district, being located on the north side of Old Mill Creek Road and being further described as 4.293 acres out of the Philip Coe Survey, A-31, in Brenham, Washington County, Texas (the "Property"), said 4.293 acres of land being more particularly described on Exhibit "A" attached hereto and incorporated herein for all purposes.

SECTION 2. The development of the Property shall be in accordance with the following special conditions, restrictions and regulations:

1. Mill Creek Saeger, LLC shall prepare a tree survey and submit said tree survey to the City of Brenham Development Services Manager prior to removal of any trees on site showing the tree caliper size, locations of the trees, and the type of tree. Tree survey shall only be required for the twenty foot (20') buffer yard adjacent to property zoned as R-1 Single Family Residential.
2. Replacement trees shall be required if existing trees are removed during construction, unless the tree caliper size is less than 3.00 inches. Trees with a caliper size of less than 3.00 inches will not be required to be replaced.
3. A tree with a caliper size of 3.00 inches to 8.00 inches shall remain in place or be replaced with a tree having a caliper size within the same size range if removed during construction.
4. A tree with a caliper size of more than 8.00 inches to 12.00 inches shall remain in place, or if removed: 1) be replaced with a tree having a caliper size within the same size range; or 2) be replaced with two (2) trees having a caliper size of 3.00 inches to 8.00 inches.
5. A tree with a caliper size of more than 12.00 inches and above shall remain in place, or if removed: 1) be replaced with a tree having a caliper size within the same size range; 2) be replaced with two (2) trees having a caliper size of more than 8.00 inches to 12.00 inches; or 3) be replaced with three (3) trees having a caliper size of 3.00 inches to 8.00 inches.
6. Penalties and fines shall be assessed in accordance with those set forth in the City of Brenham Appendix – A, Zoning Ordinance.

7. City staff will do an inspection of the Property prior to a Certificate of Occupancy being issued in order to verify the trees have remained in place, or have been replaced, in accordance with this Ordinance. The City will not issue a Certificate of Occupancy for any improvement on the Property unless and until Mill Creek Saeger, LLC is able to demonstrate its full compliance with this Ordinance.
8. A .33 acre open space area is required to be preserved in the southwestern-most corner of the 4.293 acre tract of land, and the open space area will remain as a vegetative area to be left as an undeveloped and undisturbed open space area.

SECTION 3. This Ordinance shall take effect immediately upon the occurrence of all of the following: 1) compliance with the requirements of the Charter of the City of Brenham, Texas; and 2) the City of Brenham Planning and Zoning Commission's approval of a final plat of this property into (1) single lot, and the recording of said final plat in the official records of Washington County, Texas.

SECTION 4. Upon holding a properly notified public hearing, the City Council may amend, change, or rescind the Specific Use Permit granted by this Ordinance if:

- a. There is a violation and conviction of any of the provisions of this Ordinance, or any ordinance of the City of Brenham, that occurs on the Property;
- b. The premises, or Property, used pursuant to the Specific Use Permit granted by this Ordinance are enlarged, modified, structurally altered, or otherwise significantly changed unless a separate Specific Use Permit is granted for such enlargement, modification, structural alteration, or change;
- c. As otherwise permitted by law and/or Brenham's Zoning Ordinance, as it exists or may be amended.

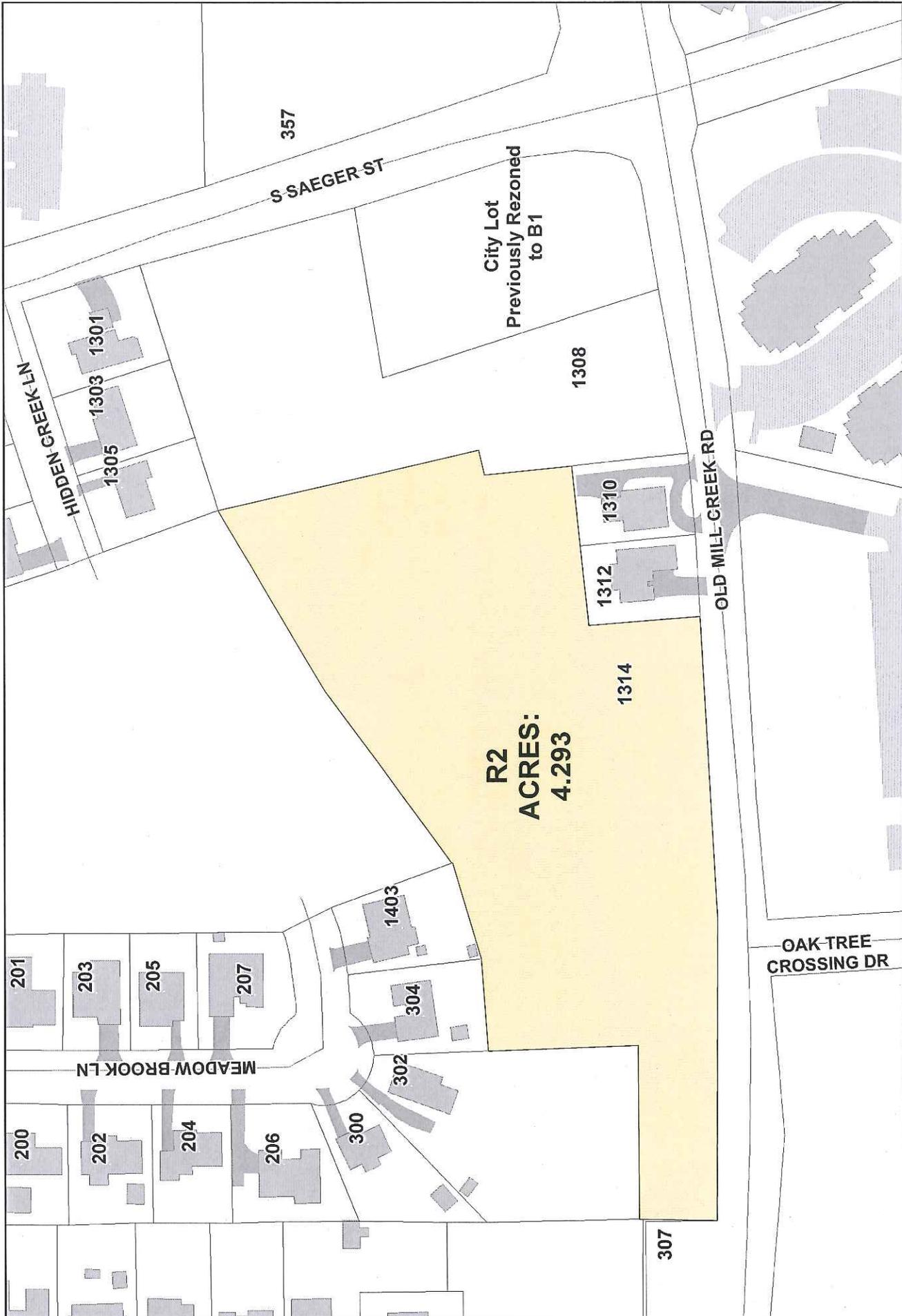
PASSED and APPROVED on its first reading this the 21st day of April, 2016.

PASSED and APPROVED on its second reading this the 5th day of May, 2016.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary



1 inch = 125 feet



**Blinn Mill Creek Subdivision
"Zoning Exhibit R2"**





AGENDA ITEM 13

| | | |
|---|---|--|
| DATE OF MEETING: April 21, 2016 | DATE SUBMITTED: April 15, 2016 | |
| DEPT. OF ORIGIN: Development Services | SUBMITTED BY: Erik Smith | |
| MEETING TYPE: | CLASSIFICATION: | ORDINANCE: |
| <input checked="" type="checkbox"/> REGULAR | <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> 1 ST READING |
| <input type="checkbox"/> SPECIAL | <input type="checkbox"/> CONSENT | <input type="checkbox"/> 2 ND READING |
| <input type="checkbox"/> EXECUTIVE SESSION | <input checked="" type="checkbox"/> REGULAR | <input checked="" type="checkbox"/> RESOLUTION |
| | <input type="checkbox"/> WORK SESSION | |
| AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Resolution No. R-16-011 Providing for an Amendment to the City of Brenham’s “Envision 2020” Comprehensive Plan Future Land Use Map to Change the District From a Recreational/Open Space District to a Commercial/Retail District on a Tract of Land Described as 2.119 Acres Out of the Phillip Coe Survey, A-31, Located at the Northwest Corner of the Intersection of Old Mill Creek Road and S. Saeger Street in Brenham, Washington County, Texas | | |
| SUMMARY STATEMENT: This is a request for an amendment to the “Envision 20/20” Comprehensive Plan. The specific parcel is a tract of land described as 2.119 acres of land on the northwest corner of the intersection of Old Mill Creek Road and South Saeger Street out of the Phillip Coe Survey in Brenham, Washington County, Texas. The current district as designated by the Comprehensive Plan is Recreation/Open Space. The City of Brenham is requesting the Comprehensive Plan be amended to designate this parcel as a Commercial/Retail District. The Comprehensive Plan is a document the City uses to help guide planning and future zoning changes for future growth. To follow best practices it would be ideal to change the comprehensive plan when a rezoning request is made so the two maps do not conflict with one another. | | |
| STAFF ANALYSIS (For Ordinances or Regular Agenda Items): | | |
| A. PROS: Keeps the Comprehensive Plan Map and Zoning Map from conflicting with one another. | | |
| B. CONS: | | |
| ALTERNATIVES (In Suggested Order of Staff Preference): | | |
| ATTACHMENTS: (1) Resolution No. R-16-011 | | |
| FUNDING SOURCE (Where Applicable): | | |

RECOMMENDED ACTION: Approve Resolution No. R-16-011 providing for an amendment to the City of Brenham's "Envision 2020" Comprehensive Plan Future Land Use Map to change the District from a Recreational/Open Space District to a Commercial/Retail District on a tract of land described as 2.119 acres out of the Phillip Coe Survey, A-31, located at the northwest corner of the intersection of Old Mill Creek Road and S. Saeger Street in Brenham, Washington County, Texas

APPROVALS: Terry K. Roberts

RESOLUTION NO. R-16-011

RESOLUTION PROVIDING FOR THE AMENDMENT OF THE FUTURE LAND USE MAP OF THE CITY OF BRENHAM ENVISION 2020 COMPREHENSIVE PLAN.

WHEREAS, the City of Brenham currently has a comprehensive plan entitled City of Brenham “Envision 2020” Comprehensive Plan; and

WHEREAS, the Envision 2020 Comprehensive Plan includes a Future Land Use Map which guides future development of the City; and

WHEREAS, the property located on the northwest corner of the intersection of Old Mill Creek Road and South Saeger Street, described as 2.119 acres out of the Phillip Coe Survey, A-31, is designated as single family on the Future Land Use Map; and

WHEREAS, the City of Brenham desires to amend the Future Land Use Map of the property located on the northwest corner of the intersection of Old Mill Creek Road and South Saeger Street, described as 2.119 acres out of the Phillip Coe Survey, A-31, as commercial/retail for future development;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS:

That the City of Brenham Envision 2020 Comprehensive Plan Future Land Use Map is hereby amended to designate the property located on the northwest corner of the intersection at Old Mill Creek Road and South Saeger Street, described as 2.119 acres out of the Phillip Coe Survey, A-31, said 2.119 acres of land being more particularly described on Exhibit “A” attached hereto and incorporated herein for all purposes, as commercial/retail for future development, and the Mayor is authorized to execute any necessary documentation.

ADOPTED this _____ the day of _____, 2016.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger
City Secretary



1 inch = 125 feet



Blinn Mill Creek Subdivision "Comp Plan Exhibit"





AGENDA ITEM 14

| | | |
|---|---|---|
| DATE OF MEETING: April 21, 2016 | DATE SUBMITTED: April 15, 2016 | |
| DEPT. OF ORIGIN: Development Services | SUBMITTED BY: Erik Smith | |
| MEETING TYPE: | CLASSIFICATION: | ORDINANCE: |
| <input checked="" type="checkbox"/> REGULAR | <input type="checkbox"/> PUBLIC HEARING | <input checked="" type="checkbox"/> 1 ST READING |
| <input type="checkbox"/> SPECIAL | <input type="checkbox"/> CONSENT | <input type="checkbox"/> 2 ND READING |
| <input type="checkbox"/> EXECUTIVE SESSION | <input checked="" type="checkbox"/> REGULAR | <input type="checkbox"/> RESOLUTION |
| | <input type="checkbox"/> WORK SESSION | |
| AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the Official Zoning Map of the City of Brenham, to Change the Zoning District from a Single Family Residential Use (R-1) District to a Local Business/Residential Mixed Use (B-1) District on a Tract of Land Described as 2.119 Acres Out of the Phillip Coe Survey, A-31, Located on the Northwest Corner of Old Mill Creek Road and S. Street in Brenham, Washington County, Texas | | |
| SUMMARY STATEMENT: Mill Creek Saeger, LLC. has requested a zone change for property at the northwest corner of Old Mill Creek Road and South Saeger Street which consists of 2.119 acres of land. The land is currently zoned R-1 single family residential and the request is to change the zoning to B-1 local business/residential mixed use. This type of change would allow for a combination multifamily apartment complexes and businesses if the applicant desires. | | |
| <p>The applicant is applying with permission from the property owner. Sale of the land is pending the results of the applicants multiple requests including this item. The apartments and retail space proposed would be open to the public but the apartments would likely house mostly Blinn students. The first floor of the proposal as presented to staff would be retail.</p> <p>The Staff received a protest for the related zone change request for this item. There were multiple concerns that were raised to staff at the Planning and Zoning public hearing which included increased drainage, privacy, allowing a three story building, decreased property values, increased traffic, clearing of vegetation and parking lots in backyards. Staff explained to the public at this time this was a land use matter and that we have not received an approvable site plan, civil drawings or construction drawings at this point because the applicant wants to know if the land use will be approved prior to spending money on those items. We explained there are existing rules the applicant would be required to follow as all applicants are required.</p> <p>Staff does support this item for multiple reasons:</p> <ul style="list-style-type: none"> - This is considered transitional zoning, and; - Thoroughfares support this type of development, and; | | |

- This request does not change the makeup of the area as a whole due to the fact there are apartments or are apartments in the planning stages for all four corners of this intersection, and;
- This will add to economic development.

The Planning and Zoning Commission asked staff to bring to City Councils attention they would like Old Mill Creek prioritized as a road improvement project to help accommodate this request. The width of the asphalt, 24', is in line with a minor collector for the area near this development but curbs would need to be added to bring this into compliance with what the design standards shows for a minor collector street. The portion of Old Mill Creek on the west side of Highway 290 is not a minor collector and is not 24' in width.

Comprehensive Plan Compliance

The Envision 20/20 Comprehensive Plan lists this property as Recreational/Open Space. The current zoning for this property is R-1 – Single Family District. These two documents are in direct conflict with one another. Both of these issues are on the agenda as requests to align the documents so there is not conflict.

Thoroughfare Plan Compliance

Old Mill Creek Road is classified as a Minor Collector.

South Saeger Street is considered a Major Collect.

Both of these types of street classification would support this type of use.

Public Concerns

Staff has received a protest from neighboring property owners for the zone change request for this property. The protest did not meet minimum requirements to require a super majority of the Council for approval.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. PROS: Allow for additional multifamily residential and first floor retail to accommodate students and provide options for people desiring to live in multifamily residences.

B. CONS: Neighboring property owners have submitted a protest to the zoning directly tied to the SUP in opposition of this type of development.

ALTERNATIVES (In Suggested Order of Staff Preference):

ATTACHMENTS: (1) Ordinance

FUNDING SOURCE (Where Applicable):

RECOMMENDED ACTION: Approve an Ordinance on its first reading amending the Official Zoning Map of the City of Brenham, to change the zoning district from a Single Family Residential Use (R-1) District to a Local Business/Residential Mixed Use (B-1) District on a tract of land described as 2.119 acres out of the Phillip Coe Survey, A-31, located on the northwest corner of Old Mill Creek Road and S. Street in Brenham, Washington County, Texas

APPROVALS: Terry K. Roberts

ORDINANCE NO. _____

AN ORDINANCE AMENDING APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, CHANGING THE OFFICIAL ZONING MAP FROM A RESIDENTIAL (R-1) DISTRICT TO A LOCAL BUSINESS/RESIDENTIAL MIXED USE (B-1) DISTRICT ON 2.119 ACRES OF LAND LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF OLD MILL CREEK ROAD AND SOUTH SAEGER STREET OUT OF THE PHILLIP COE SURVEY, A-31, IN BRENHAM, WASHINGTON COUNTY, TEXAS.

WHEREAS, the City of Brenham has adopted Appendix A – “Zoning” of the City of Brenham Code of Ordinances, as amended, which divides the City of Brenham into various zoning districts; and

WHEREAS, Appendix A – “Zoning” of the City of Brenham Code of Ordinance authorizes the City Council to grant zoning amendments within the various zoning districts; and

WHEREAS, this amendment was recommended for approval by the City of Brenham Planning and Zoning Commission during its regular meeting on March 7, 2016; and

WHEREAS, this amendment is in compliance with the City of Brenham’s “Envision 2020” Comprehensive Plan; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF BRENHAM, TEXAS, THAT APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AND THE OFFICIAL ZONING MAP BE AMENDED IN THE FOLLOWING MANNER:

SECTION 1. That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, and the Official Zoning Map of the City of Brenham is hereby amended by changing the zoning from a Residential (R-1) District Local/Residential Mixed Use (B-1) District on 2.119 acres of land on the northwest corner of the intersection of Old Mill Creek Road and Saeger Street out of the Phillip Coe Survey, A-31, in Brenham, Washington County, Texas, said 2.119 acres of land being more particularly described on Exhibit “A” attached hereto and incorporated herein for all purposes.

SECTION 2. This Ordinance shall take effect as provided by the Charter of the City of Brenham, Texas.

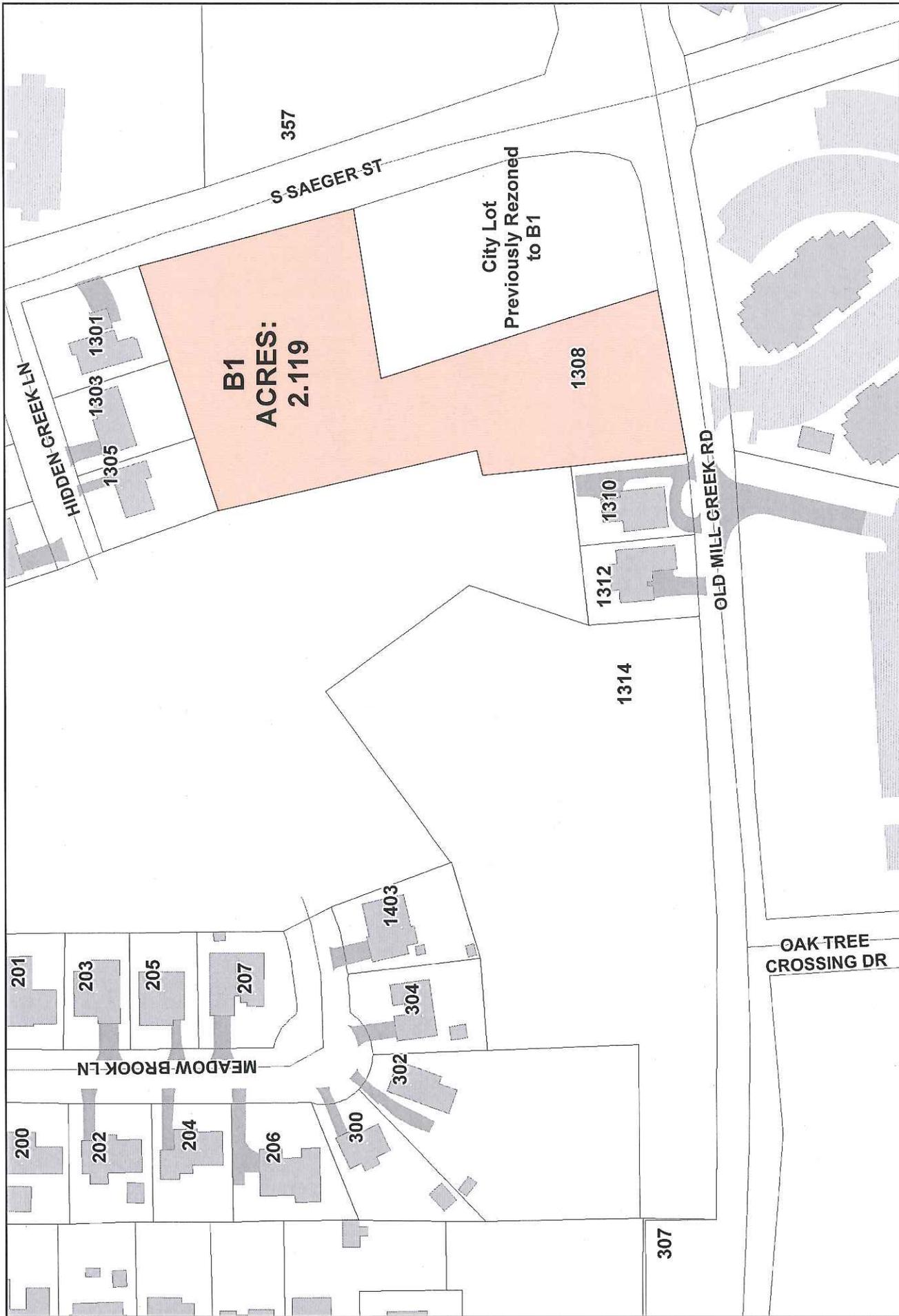
PASSED and APPROVED on its first reading this the 24th day of March, 2016.

PASSED and APPROVED on its second reading this the 7th day of April, 2016.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary



1 inch = 125 feet



Blinn Mill Creek Subdivision "Zoning Exhibit B1"





AGENDA ITEM 15

| | | |
|--|---|--|
| DATE OF MEETING: April 21, 2016 | DATE SUBMITTED: April 15, 2016 | |
| DEPT. OF ORIGIN: Development Services | SUBMITTED BY: Erik Smith | |
| MEETING TYPE: | CLASSIFICATION: | ORDINANCE: |
| <input checked="" type="checkbox"/> REGULAR | <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> 1 ST READING |
| <input type="checkbox"/> SPECIAL | <input type="checkbox"/> CONSENT | <input type="checkbox"/> 2 ND READING |
| <input type="checkbox"/> EXECUTIVE SESSION | <input checked="" type="checkbox"/> REGULAR | <input checked="" type="checkbox"/> RESOLUTION |
| | <input type="checkbox"/> WORK SESSION | |
| AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Resolution No. R-16-013 Providing for an Amendment to the City of Brenham’s “Envision 2020” Comprehensive Plan Future Land Use Map to Change the Designation from Single Family Residential Use to Commercial/Retail Use on Certain Land Described Block 9, Washington Terrace Addition, Out of the A. Harrington Survey, A-55, Said Land Being Bounded on the North by Rucker Street, on the East by North Park Street, on the South by West Blue Bell Road, and on the West by Ewing Street, in Brenham, Washington County, Texas | | |
| SUMMARY STATEMENT: This is a request for an amendment to the “Envision 20/20” Comprehensive Plan. The specific parcel is a tract of land located on the northwest corner of the intersection of North Park Street and West Blue Bell Road described as lots 1, 2, 4, 6, 8, 10, and 12, Block 9, out of the Washington Terrace subdivision plat and being lots 3A, 7A and 11A out of the replat of block “9” Washington Terrace Addition subdivision plat out of the A. Harrington Survey, A-55 in Brenham, Washington County, Texas. The current district as designated by the Comprehensive Plan is Single Family. The City of Brenham is requesting the Comprehensive Plan be amended to designate this block as a Commercial/Retail District. This would align the two documents for both existing zoning and a requested zoning amendment. The Comprehensive Plan is a document the City uses to help guide planning and future zoning changes for future growth. To follow best practices it would be ideal to change the comprehensive plan when a rezoning request is made so the two maps do not conflict with one another. | | |
| STAFF ANALYSIS (For Ordinances or Regular Agenda Items): | | |
| A. PROS: Keeps the Comprehensive Plan Map and Zoning Map from conflicting with one another. | | |
| B. CONS: | | |
| ALTERNATIVES (In Suggested Order of Staff Preference): | | |
| ATTACHMENTS: (1) Resolution No. R-16-013 | | |
| FUNDING SOURCE (Where Applicable): | | |

RECOMMENDED ACTION: Approve Resolution No. R-16-013 providing for an amendment to the City of Brenham's "Envision 2020" Comprehensive Plan Future Land Use Map to change the designation from Single Family Residential Use to Commercial/Retail Use on certain land described Block 9, Washington Terrace Addition, out of the A. Harrington Survey, A-55, said land being bounded on the North by Rucker Street, on the East by North Park Street, on the South by West Blue Bell Road, and on the West by Ewing Street, in Brenham, Washington County, Texas

APPROVALS: Terry K. Roberts

RESOLUTION NO. R-16-013

RESOLUTION PROVIDING FOR THE AMENDMENT OF THE FUTURE LAND USE MAP OF THE CITY OF BRENHAM ENVISION 2020 COMPREHENSIVE PLAN.

WHEREAS, the City of Brenham currently has a comprehensive plan entitled City of Brenham “Envision 2020” Comprehensive Plan; and

WHEREAS, the Envision 2020 Comprehensive Plan includes a Future Land Use Map which guides future development of the City; and

WHEREAS, certain land described as Block 9, Washington Terrace Addition, out of the A. Harrington Survey, A-55, is designated as single family residential use on the Future Land Use Map;

WHEREAS, the City of Brenham desires to amend the Future Land Use Map to designate said property described as Block 9, Washington Terrace Addition, out of the A. Harrington Survey, A-55, as commercial/retail use for future development;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS:

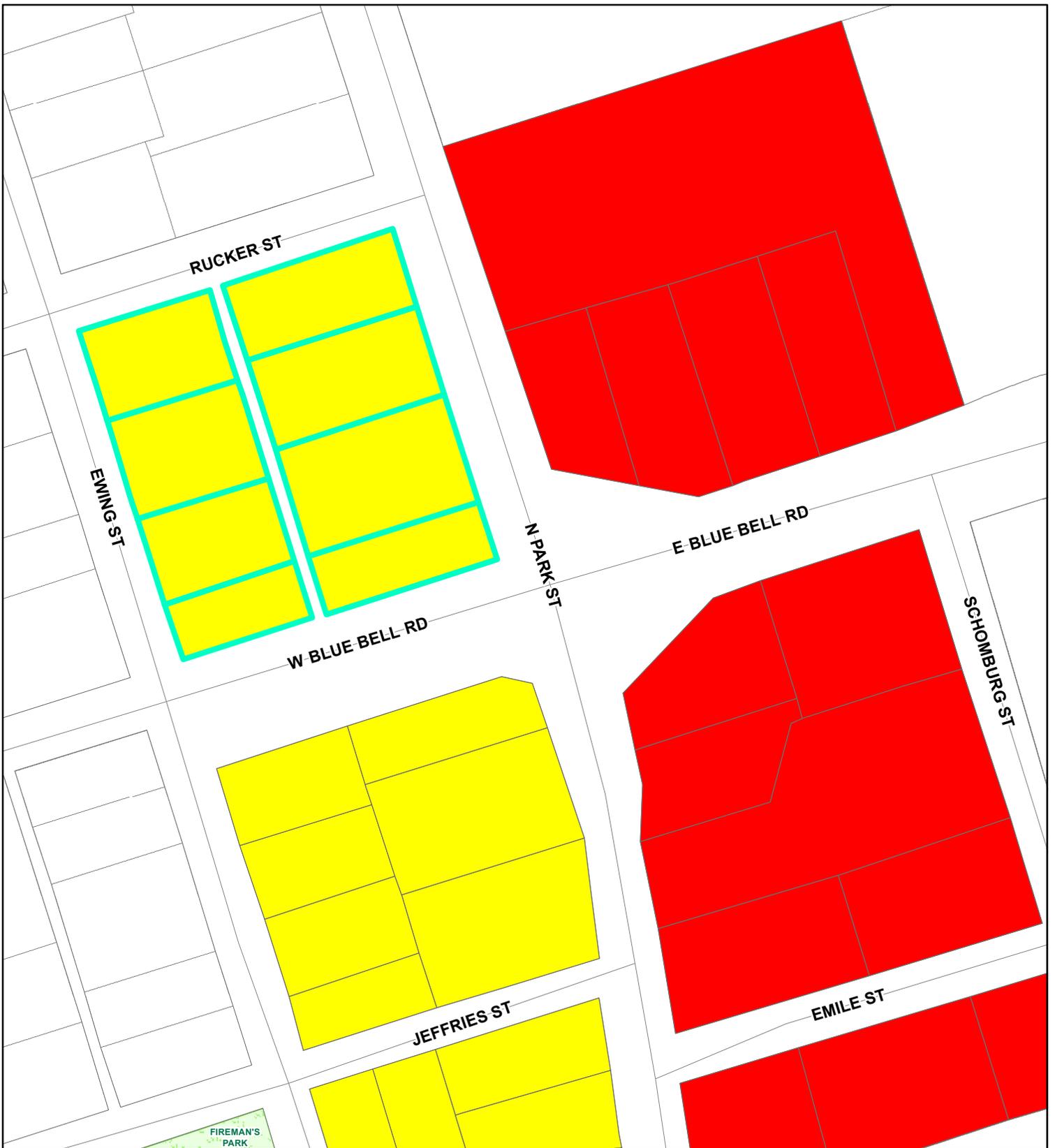
1. That the City of Brenham Envision 2020 Comprehensive Plan Future Land Use Map is hereby amended to designate the land described as Block 9, Washington Terrace Addition, out of the A. Harrington Survey, A-55, as commercial/retail use for future development, said land being bounded on the north by Rucker Street, on the east by North Park Street, on the south by West Blue Bell Street, and on the west by Ewing Street in Brenham, Washington County, Texas
2. That the Mayor is authorized to execute any documentation necessary to implement this Resolution.

ADOPTED this _____ day of _____, 2016.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary



Comprehensive Plan Amendment Residential Single Family to Commercial Retail

1 inch = 121 feet



- Commercial/ Retail
- Single Family
- Single Family to Commercial/Retail



AGENDA ITEM 16

| | | |
|--|---|---|
| DATE OF MEETING: April 21, 2016 | DATE SUBMITTED: April 15, 2016 | |
| DEPT. OF ORIGIN: Development Services | SUBMITTED BY: Erik Smith | |
| MEETING TYPE: | CLASSIFICATION: | ORDINANCE: |
| <input checked="" type="checkbox"/> REGULAR | <input type="checkbox"/> PUBLIC HEARING | <input checked="" type="checkbox"/> 1 ST READING |
| <input type="checkbox"/> SPECIAL | <input type="checkbox"/> CONSENT | <input type="checkbox"/> 2 ND READING |
| <input type="checkbox"/> EXECUTIVE SESSION | <input checked="" type="checkbox"/> REGULAR | <input type="checkbox"/> RESOLUTION |
| | <input type="checkbox"/> WORK SESSION | |
| AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the Official Zoning Map of the City of Brenham, to Change the Zoning District From a Single Family Residential Use (R-1) District to a Local Business/Residential Mixed Use (B-1) District on a Tract of Land Described as Lot 7A and Lot 11A, Block 9, Washington Terrace Addition, Out of the A. Harrington Survey, A-55, Located at the Southeast Intersection of Ewing Street and Rucker Street in Brenham, Washington County, Texas | | |
| SUMMARY STATEMENT: When the City Council held a public hearing on this item on April 7 th a petition to oppose the zone change request was submitted. At that time staff knew it was a possibility we might receive the petition but because it was submitted at the meeting itself there was no way to verify whether it was valid or not. Since that time staff has reviewed the petition and verified there were nine property owners that fell within the 200 ft. buffer zone that had all or part of their property fall within the area that can be used to count against the rezone. The total amount of land area in the protest zone is 34%. The required land area in the protest zone to qualify is 20%. The protest is valid and will require a super majority vote or 75% for approval. | | |
| Kolkhorst Investments LLC has requested a rezoning of two tracts of land to be changed from the existing R-1 Single Family District to B-1 Local Business/Residential Mixed Use. The remainder of the lots on this particular block are all currently zoned B-1. Changing the remaining two lots would give the applicant the same type of zoning for the entire block and would allow them to develop the property under one zoning district. The biggest impact two districts would have on this applicant is the buffer separation of up to 30 feet from any use considered business. | | |
| <u>Comprehensive Plan Compliance</u> The Envision 20/20 Comprehensive Plan lists these lots as single family along with the entirety of the block. The current zoning for this property is R-1 – Single Family District. Staff has placed a comprehensive plan amendment on the agenda prior to this item to amend the document so there would not be a compatibility issue between the two documents. Both of these issues are on the agenda as requests to align the documents so there is not conflict. | | |

Thoroughfare Plan Compliance

Ewing Street is a local residential.

Rucker Street is a local residential.

W. Blue Bell Road is a minor arterial.

N. Park Street is a minor arterial.

Public Concerns

There was a protest submitted to staff and the protest met the requirements to require a super majority vote or 75% for approval.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. PROS: Continuous zoning district for a commercial block to allow for orderly development.

B. CONS: Neighboring property owners have voiced clear concern for the zoning change affecting their properties.

ALTERNATIVES (In Suggested Order of Staff Preference):

ATTACHMENTS: (1) Ordinance

FUNDING SOURCE (Where Applicable): N/A

RECOMMENDED ACTION: Approve an Ordinance on its first reading amending the Official Zoning Map of the City of Brenham, to change the zoning district from a Single Family Residential Use (R-1) District to a Local Business/Residential Mixed Use (B-1) District on a tract of land described as Lot 7A and Lot 11A, Block 9, Washington Terrace Addition, out of the A. Harrington Survey, A-55, located at the Southeast intersection of Ewing Street and Rucker Street in Brenham, Washington County, Texas

APPROVALS: Terry K. Roberts

ORDINANCE NO. _____

AN ORDINANCE AMENDING APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, CHANGING THE OFFICIAL ZONING MAP FROM A RESIDENTIAL (R-1) DISTRICT TO A LOCAL BUSINESS/RESIDENTIAL MIXED USE (B-1) DISTRICT FOR LOT 7A AND LOT 11A, BLOCK 9, WASHINGTON TERRACE ADDITION REPLAT OF LOTS 3, 5, 7, 9, & 11, OUT OF THE A. HARRINGTON SURVEY, A-55, IN BRENHAM, WASHINGTON COUNTY, TEXAS.

WHEREAS, the City of Brenham has adopted Appendix A – “Zoning” of the City of Brenham Code of Ordinances, as amended, which divides the City of Brenham into various zoning districts; and

WHEREAS, Appendix A – “Zoning” of the City of Brenham Code of Ordinance authorizes the City Council to grant zoning amendments within the various zoning districts; and

WHEREAS, this amendment was recommended for approval by the City of Brenham Planning and Zoning Commission during its regular meeting on March 28, 2016; and

WHEREAS, this amendment is in compliance with the City of Brenham’s “Envision 2020” Comprehensive Plan; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF BRENHAM, TEXAS, THAT APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AND THE OFFICIAL ZONING MAP BE AMENDED IN THE FOLLOWING MANNER:

SECTION 1. That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, and the Official Zoning Map of the City of Brenham is hereby amended by changing the zoning from a Residential (R-1) District to a Local/Residential Mixed Use (B-1) District for Lot 7A and Lot 11A, Block 9, Washington Terrance Addition Replat of Lots 3, 5, 7, 9 & 11, out of the A. Harrington Survey, A-55, in Brenham, Washington County, Texas, said land being more particularly described on Exhibit “A” attached hereto and incorporated herein for all purposes.

SECTION 2. This Ordinance shall take effect as provided by the Charter of the City of Brenham, Texas.

PASSED and APPROVED on its first reading this the 21st day of April, 2016.

PASSED and APPROVED on its second reading this the 5th day of May, 2016.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary



AGENDA ITEM 17

| | | | |
|--|--|--|--|
| DATE OF MEETING: April 21, 2016 | | DATE SUBMITTED: April 15, 2016 | |
| DEPT. OF ORIGIN: Fire Department | | SUBMITTED BY: Ricky Boeker | |
| MEETING TYPE: | | CLASSIFICATION: | |
| <input checked="" type="checkbox"/> REGULAR | | <input type="checkbox"/> PUBLIC HEARING | |
| <input type="checkbox"/> SPECIAL | | <input type="checkbox"/> CONSENT | |
| <input type="checkbox"/> EXECUTIVE SESSION | | <input type="checkbox"/> REGULAR | |
| | | <input checked="" type="checkbox"/> WORK SESSION | |
| ORDINANCE: | | | |
| <input type="checkbox"/> 1 ST READING | | | |
| <input type="checkbox"/> 2 ND READING | | | |
| <input type="checkbox"/> RESOLUTION | | | |
| AGENDA ITEM DESCRIPTION: Presentation and Discussion Regarding Staffing and Possible Locations of a Future City of Brenham Fire Department Substation | | | |
| SUMMARY STATEMENT: Mr. Pietsch is a well-respected throughout the State for his work with improving Communities Public Protection Classification (PPC) Rating and fire station locations. This report will develop an accurate fire station location plan for the City of Brenham and evaluate the required apparatus and staffing at all existing and proposed fire stations. Mr. Pietsch has worked for us before in 2005 to help us prepare for an ISO grading and again in 2012 when we were graded by ISO. | | | |
| STAFF ANALYSIS (For Ordinances or Regular Agenda Items): | | | |
| A. PROS: | | | |
| B. CONS: | | | |
| ALTERNATIVES (In Suggested Order of Staff Preference): | | | |
| ATTACHMENTS: (1) Report from Mike Pietsch, P.E. Consulting Services, Inc. | | | |
| FUNDING SOURCE (Where Applicable): | | | |
| RECOMMENDED ACTION: No action required – discussion only | | | |
| APPROVALS: Terry K. Roberts | | | |



*Assisting Communities
With Their ISO Rating*

Mike Pietsch, P.E. Consulting Services, Inc.

3101 S. Country Club Rd.

Garland, TX 75043-1311

972.271.3292 Phone

214.728.6507 Cell

972.840.6665 Fax

michaelpietsch@tx.rr.com

A Report From

MIKE PIETSCH, P.E. CONSULTING SERVICES, INC.

To

THE CITY OF BRENHAM

Demonstrating a Master Fire Station Location Plan

March 14, 2016

Submitted by:

***W. Michael Pietsch, P.E.
Civil Engineer***

A Report From

MIKE PIETSCH, P.E. CONSULTING SERVICES, INC.

To

THE CITY OF BRENHAM

Demonstrating a Master Fire Station Location Plan

Explanation of This Report

This report will develop an accurate fire station location plan for the City of Brenham and evaluate the required apparatus and staffing at all existing and proposed fire stations.

This study utilizes 1.5-mile response boundaries (approximates 3 to 4-minute response times) for engine companies. This is the most accurate method of locating fire stations along that exists today. Computer programs that do this type of analysis were proven by the GIS Division serving the City of Houston to be inaccurate. This is the most accurate method of locating fire stations that exists today. These 1.5-mile engine company response boundaries are the exact methodology utilized when a community is evaluated by ISO if the extensive amount of support data is not available to demonstrate a certain level of compliance with NFPA 1710. ISO's fire department section of their rating document is based on 43 NFPA (National Fire Protection Association) Standards.

NFPA 1710 utilizes 4 minute response times (adding an additional 80-seconds for "Turnout") when determining if a fire department meets the intent of their standard for the arrival of the first due engine to structural alarms of fire. *Here is their logic: 4 minute response as per their standard with 80 additional seconds to turn out (protective clothing and self-contained breathing apparatus) = $(4 \times 60) + 80 = 320$ -seconds. In addition the full complement of apparatus responding to a first alarm **structure fire** should be on scene within 560-seconds. Here is their logic: 8 minute response as per NFPA 1710 and 80 additional seconds to turn out = $(8 \times 60) + 80 = 560$ -seconds.*

Report to the City of Brenham
Master Fire Station Location Plan

03/14/16

Mike Pietsch, P.E. Consulting Services, Inc.

Page 2

In all cases when considering a fire location plan a community should use both scenarios (NFPA 1710 and 1.50 road mile polygons) in order to determine which method allows the community the maximum credit; i.e. requires less resources. However, most communities which have a combination fire department (as is the case with the City of Brenham) and all communities with a volunteer fire department cannot provide the extensive amount of documentation in order to justify meeting, or attempting to meet, the intent of NFPA 1710. Therefore, in most cases, the 1.50 road mile method is the utilized when determining if additional fire stations are required or existing fire stations should be relocated. This 1.50 road mile method without question provides the best visual explanation of why an existing fire station should be relocated or an additional fire station should be erected. Therefore, the 1.50 road mile method will be utilized by this report to develop an accurate locations for all additional fire stations.

The strategic placement of existing and proposed fire stations is critical to the emergency response and ISO rating for the City of Brenham. This report will address the immediate needs of the City of Brenham along with all future needs based on the existing city limits as of March 7, 2016.

An additional fire station may be required when the road base (or fire hydrant count) outside 1.50 road miles of an existing fire station is 50% of that within a 1.50 road mile polygon of an average existing fire station. If a suitable location can be found that brings 50% or more of the road base (or fire hydrant count) within 1.50 road miles of the location then an additional fire station housing an engine company is required.

When NFPA 1710 is used as the benchmark; an additional fire station should be erected, or an existing fire station relocated, when the fire department call volume to a newly developed or an existing area jeopardizes meeting the intent of NFPA 1710. This is impossible to visualize.

A dedicated ladder truck company is not used to determine where additional fire stations should be located. However, once the proper location of all additional fire stations (existing and proposed) are determined, based on the methodology utilizing the 1.5-road mile polygon, then the ladder truck companies are placed (where needed) based on 2.5-road mile coverage. The process of requiring additional dedicated ladder truck companies is exactly the same as that for additional engine companies above; except a 2.5-road mile polygon is used.

This report will demonstrate the required apparatus and staffing at all existing and future fire stations.

Throughout this report the word “company” implies both the apparatus and the required staffing for each engine and ladder truck.

The only parameter placed on this report, due to operational considerations, is that the existing fire station will remain at its current location. No fire station relocations will be considered. In the City of Brenham the existing fire station is in an excellent location.

The suggestions developed from this report relate only to a fire station location study for the City of Brenham. They are not for property loss prevention or life safety purposes and no life safety or property loss prevention suggestions are made.

Executive Summary

The single most critical item when addressing newly developed areas or areas to be developed in the future is to ensure all built-upon areas are within 5-road miles of a fire station housing an engine company and a 1000-foot hose lay distance of a creditable fire hydrant. Developed areas outside a 5-road mile polygon of a fire station housing an engine company are assigned an ISO PPC 10 (no recognized fire protection) regardless of the water supply infrastructure. Currently several insurance companies are refusing to write or renew properties in class 10 areas. The property owners that receive insurance coverage in class 10 areas pay the maximum rate.

Developed areas within a 5-road mile polygon of a fire station housing an engine company yet outside a 1000-foot hose lay distance of a creditable fire hydrant receive an ISO PPC of 9 or 8b (next to maximum allowed rate).

The proposed fire station location plan presented within this report satisfies the class 10 issue.

This report will demonstrate that there exists an immediate need within the existing city limits of the City of Brenham to erect 1 additional fire station. In the future when the area develops on the west side of the City of Brenham a second fire station should be erected.

At present the Brenham Fire Department has been provided a sufficient apparatus fleet consisting of 3 engine companies and 1 dedicated ladder truck company. However, the staffing for the available apparatus is severely deficient based on industry standards (ISO and NFPA).

Analysis of the Data

To aid in developing a master plan for the City of Brenham, based on present development, 1 additional fire station is presently required to improve first alarm emergency response distances. A location for a future third fire station is presented in order to assist with a comprehensive master plan for the City of Brenham. The fire station locations (present and future) listed below are presented with their appropriate apparatus deployment.

The following locations are offered for your consideration:

1. Erect Fire Station #2 deploying at least an engine company on Chappell Hill St. approximately 0.25-mile south of State Highway 290 Bypass deploying 1 of the 3 engine companies presently assigned to the existing fire station.
2. Based on possible future development 1 additional fire station may be required as the areas on the Westside of the City of Brenham develop to the extent an additional fire stations is required. At present the optimum location for the third fire station is in the vicinity of Old Mill Rd. and State Highway 290 Bypass. Future Fire Station #3 should deploy the third engine company presently assigned to the existing fire station.

Please note that the exact positioning of thoroughfares and street extensions greatly affects the location of any proposed fire station. The following street extensions would greatly enhance the response capabilities from the suggested second fire station on Chappell Hill St. approximately 0.25-miles south of State Highway 290 Bypass.

1. Extend Salem Rd. from State Highway 36 in order that it ties with S. Blue Bell Rd.
2. Extend S. Chappell Hill St. in order that it ties with State Highway 36.

At present the apparatus requirements for the Brenham Fire Department are satisfied. The Fire Department is required to deploy 3 engines companies and 1 dedicated ladder truck company. The following deployment of apparatus is suggested based on industry standards (ISO requirements and NFPA standards).

1. Existing Fire Station #1: Engine company and dedicated ladder truck company.
2. Proposed Fire Station #2: Engine company.
3. Proposed future Fire Station #3: Engine company.

Staffing levels within the Brenham Fire Department are severely deficient. This was pointed out in a report from my company in 2005, in the report from ISO at the conclusion of their 2012 survey, and in this report.

At present the Brenham Fire Department has a volunteer base of 36 members. Based on the 2014 and 2015 response records (Chief Boeker has these records available) to structural alarms of fire the average response from the volunteer base of fire fighters serving the City of Brenham was 11.33 (which is very low considering the roster consists of 36 members (when averaged over all volunteer fire departments within the State of Texas approximately 50% of the total available volunteer firefighters in a community respond to structural alarms of fire). 11.33 volunteer firefighters is the equivalent of 3.78 paid firefighters on-duty 24/7; based on the obvious delay in response time. In addition to the volunteer firefighters the Brenham Fire Department has 4 career firefighters assigned to each 24-hour shift; with a minimum of 3 on-duty at all times. Based on records assimilated for this report Chief Boeker and his staff demonstrate an average of 3.67 career firefighters on-duty each shift as an average over the last calendar year. In addition a paid Fire Chief and a paid Assistant Fire Chief are on-duty during the normal workweek (8 to 5 weekdays). This adds an additional 0.54 career firefighters to the total. This gives a total on-duty staffing level of 4.21 on-duty. Therefore the staffing level within the Brenham Fire Department should be considered as: $3.78 + 4.21 = 7.99$. Which this report will approximate to 8 firefighters on-duty 24/7.

The Brenham Fire Department maintains 3 engine companies and 1 ladder truck company in-service available to respond to structural alarms of fire. This was the response capability the Brenham Fire Department demonstrated to ISO (Insurance Services Office Inc.) during the 2012 survey. The minimum first alarm response is 2 engine companies and 1 ladder truck company with additional off-duty (paid firefighters responding off shift and additional volunteers) firefighters staffing the third engine; on standby at the fire station.

The ISO rating document requires 6 firefighters per company be on-duty with each first responding engine and ladder truck (a total of 18 paid firefighters on-duty 24/7 as a minimum). This level of staffing is needed at the fire site for optimum utilization of the apparatus, and when the staffing level drops below 4 firefighters per company, which is the NFPA {National Fire Protection Association} Standard, the ability to utilize the apparatus effectively is seriously impaired.

I would deem this report incomplete unless I point out that only 1 fire department in Texas maintains 6 firefighters per company on-duty (paid staffing) with each of the first due apparatus. It is attributable to the creditable EMS staffing that this fire department meets ISO's standard for staffing. It is for this reason the suggested staffing is 4 firefighters for each engine and ladder truck responding to

first alarm structure fires. This would require the City of Brenham to provide the equivalent of 12 firefighters on-duty 24/7 when considering both the career and volunteer firefighters. Based on the calculations above the Brenham Fire Department has approximately 8 firefighters on duty 24/7 (when considering both paid and volunteer response); yet requires a minimum of 12 firefighters. To maintain 12 firefighters on-duty will require 3 shifts of 4 firefighters plus 2 additional firefighters to fill in for vacation, sick leave, etc. A 5-year goal for the City of Brenham should be to add 14 career firefighters in order to assure the community that the equivalent of 12 firefighters are on-duty at all times.

In order to meet the industry standard of 12 firefighters on-duty 24/7 please review the "Plan of Action" which follows.

Plan of Action:

1. In calendar year 2016 add 3 fire fighters in order that 1 additional firefighter will be on-duty 24/7.
2. In calendar year 2017 erect the proposed additional fire station on S. Chappell Hill St. approximately 0.25-mile south of State Highway 290 Bypass. This second fire station should deploy 1 of the 3 engine companies presently assigned to the existing fire station. As this second fire station is under construction 3 additional firefighters should be provided in order that the new fire station can be staffed with at least 2 career firefighters on-duty 24/7.
3. In calendar year 2018 add an additional 3 firefighters in order that 1 additional firefighter is on-duty 24/7 at the newly erected Fire Station #2. This would give proposed Fire Station #2 a total of 3 on-duty firefighters.
4. In calendar year 2019 add an additional 3 firefighters in order that 1 additional firefighter is on-duty 24/7 at the newly erected Fire Station #2. This would give the Brenham Fire Department the equivalent of 12 on-duty firefighters. This assumes the declining level of participation by the volunteer members of the Brenham Fire Department does not continue. Comparing ISO's 2012 report parlayed with the information assimilated for this study demonstrates the volunteer response to structural alarms of fire in the City of Brenham has decreased by over 6 firefighters during the previous 4 year period. This equates to reducing the on-duty staffing by over 2 firefighters. There is no reason to believe the decline in the level of volunteer firefighter response to structural alarms of fire will not continue. If it does continue 8 on-duty firefighters should be assigned to Fire Station #1 with 4 on-duty firefighters assigned to proposed Fire Station #2.

Conclusion

As budget constraints allow erect the suggested second fire station on Chappell Hill St. approximately 0.25 miles south of State Highway 290 Bypass and provide the additional firefighters as suggested within this report.

I would very much like to thank Fire Chief Ricky Boeker and his Staff for the excellent cooperation afforded me during my recent survey. Without their support and continued cooperation after my field evaluation was complete the accuracy and timeliness of this report would be seriously compromised.

I appreciate the opportunity afforded me by The City of Brenham and look forward to working with your community in the future.

Sincerely,

W. Michael Pietsch, P.E.
Civil Engineer



AGENDA ITEM 18

| | | |
|---|---|--|
| DATE OF MEETING: April 21, 2016 | | DATE SUBMITTED: April 15, 2016 |
| DEPT. OF ORIGIN: Police Department | | SUBMITTED BY: Craig U. Goodman |
| MEETING TYPE: | CLASSIFICATION: | ORDINANCE: |
| <input checked="" type="checkbox"/> REGULAR | <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> 1 ST READING |
| <input type="checkbox"/> SPECIAL | <input type="checkbox"/> CONSENT | <input type="checkbox"/> 2 ND READING |
| <input type="checkbox"/> EXECUTIVE SESSION | <input checked="" type="checkbox"/> REGULAR | <input type="checkbox"/> RESOLUTION |
| | <input type="checkbox"/> WORK SESSION | |
| AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon a Contract for Participation in the City of Brenham’s Rotation Log for Non-Consent Tows and Authorize the City Manager to Execute Any Necessary Documentation | | |
| SUMMARY STATEMENT: Representatives from the City of Brenham and Washington County have had several meetings with representatives from each of the towing companies that currently participate in the non-consent towing rotation contract. It is the committee’s belief that we need to amend the fee structure so that it is reasonable and fair to all parties involved, and to change the effective dates to reflect a calendar year of January 1 to December 31. | | |
| STAFF ANALYSIS (For Ordinances or Regular Agenda Items): | | |
| ALTERNATIVES (In Suggested Order of Staff Preference): | | |
| ATTACHMENTS: (1) Revised Non-Consent Tow Contract; and (2) PowerPoint Presentation of changes | | |
| FUNDING SOURCE (Where Applicable): | | |
| RECOMMENDED ACTION: Approve a contract for participation in the City of Brenham’s Rotation Log for Non-Consent Tows and authorize the City Manager to execute any necessary documentation. | | |
| APPROVALS: Terry K. Roberts | | |

NON-CONSENT TOW CONTRACT FOR THE CITY OF BRENHAM

This Non-Consent Tow Contract for the City of Brenham, hereinafter referred to as "Contract," is entered into by and between the City of Brenham, a Texas home rule City situated in Washington County, Texas, hereinafter referred to as "CITY," and _____ Company (which shall include all owners, employees, agents and/or drivers), a Texas _____, hereinafter referred to as "_____" upon the following terms and conditions performable in Washington County, Texas:

SECTION I. PURPOSE

The purpose of this Contract is to establish acceptable standards and criteria for the provision of Towing Services by _____ participating on the CITY'S Rotation Logs; provided, however, nothing herein shall obligate the CITY to use _____ on the Rotation Logs as the sole or exclusive means of providing Towing Services and the CITY reserves the right to control, independently of the provisions of this Contract, Towing Services for any particular situation it deems appropriate. Towing Services procured pursuant to the provisions of this Contract shall be administered by the Brenham Police Department through their representatives, who shall have authority to promulgate reasonable rules and regulations in furtherance and implementation of this Contract so long as they do not conflict with any provision hereof.

SECTION II. DEFINITIONS

For the purposes of this Contract, the following terms and words are defined as follows:

- A. "Abandoned Vehicle", means a motor vehicle as defined in Section 683.002, Texas Transportation Code. An "Abandoned Vehicle" tow requests shall occur during "Normal Business Hours" unless requested by the Department due to a hazardous condition.
- B. "Additional time on scene" means any time on scene exceeding one (1) hour for all tows (time traveling to or from the scene and time traveling to the storage facility is not included in this definition).
- C. "Call" or "Dispatch" means a request for Towing Services from Washington County 9-1-1 resulting in a Towing Company being required to perform services pursuant to the provisions of this Contract.
- D. "CITY" means the City of Brenham, a Texas home rule municipality situated in Washington County.

- E. "Consent Tow" means a tow of any vehicle initiated by the owner, operator, or person with possession, custody, and control of said vehicle. If the Department notifies Washington County 9-1-1 of Towing Services at the request of an owner, operator, or person with possession, custody, and control of said vehicle, said tow is considered a Consent Tow.
- F. "Department" means the City of Brenham Police Department, its Chief and/or designee(s).
- G. "Disabled Vehicle" means a vehicle other than an "abandoned" or "impounded" vehicle, which as a result of an accident or equipment failure, or both, is incapable of safe or legal operation, or both, and is requested or required by the Department to be removed from a public street or alley.
- H. "Day" is twenty-four (24) continuous hours unless otherwise specified.
- I. "Heavy Tow" means a vehicle with a gross vehicle weight of more than 25,000 pounds. For the purposes of this Contract, a vehicle's weight shall be determined by the Gross Vehicle Weight Rating indicated by the manufacturer's label on the vehicle itself. If the vehicle does not have a manufacturer's label, then the gross vehicle weight shall be the registered weight of the vehicle.
- J. "Holiday(s)" mean New Year's Day, Easter Sunday, Fourth of July, Veteran's Day, Thanksgiving Day and Christmas Day.
- K. "Impounded Vehicle" means a vehicle other than an Abandoned Vehicle involved in a parking violation, a vehicle whose driver is arrested, or a vehicle which is taken into custody during the investigation of a crime. An Impounded Vehicle is considered a Non-Consent Tow.
- L. "Inclement weather" means unpleasant or harsh weather which creates unsafe or hazardous conditions, including but not limited to freezing conditions, ice, snow, sleet, heavy rain, hail, lightning, tornados, and/or high winds. All determinations regarding whether "inclement weather" conditions exist shall be made by the Department, in its sole discretion.
- M. "Junked Vehicle" means a motor vehicle as defined in Section 683.071, Texas Transportation Code. Junked Vehicles are considered Non-Consent Tows and shall be removed during "Normal Business Hours" unless specifically requested by the Department due to a hazardous condition.
- N. "Medium Tow" means a vehicle with a gross vehicle weight between 10,000 and 25,000 pounds. For the purposes of this Contract, a vehicle's weight shall be determined by the Gross Vehicle Weight Rating indicated by the manufacturer's label on the vehicle itself. If the vehicle does not have a manufacturer's label, then the gross vehicle weight shall be the registered weight of the vehicle.

- O. "Motorist Assist" means any service to a motorist whose vehicle has been disabled or rendered unusable. Examples include but are not limited to fixing flat tires, providing gasoline, or gaining entry to locked cars. Motorist Assist does not include towing.
- P. "Non-Consent Tow" means any tow of a vehicle requested by the Department. Signature by the owner, operator, or person with possession, custody, and control of said vehicle on any documents provided by the Towing Company does not constitute a Consent Tow.
- Q. "Normal Business Hours" shall mean the hours of 8 a.m. to 5 p.m., Monday through Friday.
- R. "Regular Tow" means a vehicle with a gross vehicle weight of less than 10,000 pounds. For the purposes of this Contract, a vehicle's weight shall be determined by the Gross Vehicle Weight Rating indicated by the manufacturer's label on the vehicle itself. If the vehicle does not have a manufacturer's label, then the gross vehicle weight shall be the registered weight of the vehicle.
- S. "Recovery" means the removal or towing of any vehicle(s) involved in an incident or accident.
- T. "Rotation Log" shall mean a sequential list, as maintained by the Department, of Towing Companies duly qualified and authorized pursuant to the provisions of this Contract to receive and respond to calls from the Department, when the owner, operator, or person with possession, custody, and control of said vehicle has not or cannot express a preference or consent for such services from a specific Towing Company.
- Rotation Log A will be used for "Regular Tow" services in regard to impounded and disabled vehicles as hereinafter provided.
 - Rotation Log B will be used for "Regular Tow" services in regard to abandoned vehicles, junked vehicles and motorist assist calls.
 - Rotation Log C will be used for all towing services involving "Medium Tows".
 - Rotation Log D will be used for all towing services involving "Heavy Tows".
- U. "Shift Supervisor" means a Department employee with a rank of Corporal or above.
- V. "Security Fence" means an enclosure of wood, chain link, iron, concrete or masonry, placed around an area used for storage of vehicles and designed to prevent intrusion and escape, which is at least six feet (6') high, with a gate that is locked at all times when the Towing Company's owners, employees and agents are not present. The Security Fence must be compliant with the Texas Department of Licensing and Regulation (TDLR) regulations governing Vehicle Storage Facilities.

- W. "Time on Scene" means the amount of time when a Towing Company arrives on scene to the time the Towing Company has secured the vehicle, cleaned debris, and finished an environmental cleanup. The time driven to and from the scene is not included in "Time on Scene."
- X. "Tow" means the removal of any vehicle(s) that was **not** involved in an incident or accident.
- Y. "Towing company(ies)" means any person, firm or entity owning or operating a Texas licensed wrecker service, including its employees, agents, and drivers. If a person, firm or entity owns an interest in more than one licensed towing company, then each and every towing service in which the person, firm, or entity owns an interest shall be collectively considered as a single Towing Company for the purpose of position on the CITY'S Rotation Logs.
- Z. "Towing Service(s)" means any service provided by a Towing Company under the terms of this Contract.

SECTION III. TERM

This Contract shall be effective for an initial term beginning on the ____ day of _____, 20____ and will automatically terminate on the 31st day of December, 2016. Thereafter, this Contract shall automatically be renewed on the 1st day of January each year, for a term of one (1) year, under the terms and conditions then in effect, unless otherwise terminated as provided herein.

SECTION IV. CONSIDERATION

In consideration of the CITY'S administration, regulation and operation of the rotation system and the CITY'S permission to participate in non-consent tows within the city limits, and specifically for a place on the applicable Rotation Logs, _____ agrees to pay the CITY an annual fee of two hundred and fifty dollars (\$250.00) for inclusion on the Regular Tow Rotation Log, two hundred and fifty dollars (\$250.00) for inclusion on the Medium Tow Rotation Log and two hundred and fifty dollars (\$250.00) for inclusion on the Heavy Tow Rotation Log.

All payments by _____ to the CITY under this Contract must be mailed or delivered to the City Secretary for the City of Brenham, P.O. Box 1059 (200 W. Vulcan Street, Suite 206), Brenham, Texas 77834-1059. Payments must be in the form of a check, cashier's check or money order, and must state the following on the face of the check or money order: TOWING SERVICE FOR [year]. Payment is due on or before January 1st of each year. _____ will not be permitted to participate in the CITY's Rotation Logs until payment is received by the CITY.

**SECTION V. RULES AND PROCEDURES FOR
_____’S PARTICIPATION ON CITY’S ROTATION
LOGS**

The following section includes provisions, rules, regulations, and procedures that are applicable to _____ and any Towing Companies who contract with the CITY for a place on the CITY’s Rotation Logs. The City Manager, or his designee, shall have the authority to interpret, implement and enforce the terms of this Contract.

A. OPERATION

The following conditions shall govern the conduct of Towing Companies on the Rotation Logs:

- 1) *Washington County 9-1-1 dispatch necessary, exception.* Except for private requests for Towing Services by the owner or operator of a vehicle, or the person who has possession, custody and control of the vehicle, _____ shall not proceed to an incident or accident scene without being called or dispatched.
- 2) *Acknowledgment time period.* _____ must acknowledge receipt of all Washington County 9-1-1 calls/dispatches for Towing Services within five (5) minutes. After the five (5) minute acknowledgment time period has expired, Washington County 9-1-1 shall notify the next Towing Company on the applicable Rotation Log. Failure to acknowledge receipt of a call/dispatch shall forfeit _____’s turn and said call/dispatch will be considered a declined call/dispatch as outlined in this Contract.
- 3) *Interference.* _____ shall not interfere with any law enforcement officer(s) while they are in charge of, or investigating the scene of a motor vehicle accident or other incident requiring Towing Services.
- 4) *Solicitation.* _____ shall not solicit business while on an incident or accident scene.
- 5) *Professional Conduct.* _____ shall conduct themselves in a reasonable, safe, professional, and courteous manner at all times while on an incident or accident scene.
- 6) *Obedience to traffic laws.* _____ shall obey all state and municipal traffic laws when responding to a request for Towing Services.

- 7) *Submission of telephone numbers.* _____ shall furnish the Department's Administrative Captain and/or designee with one telephone number to be used by Washington County 9-1-1 as a call/dispatch number. Any changes in the aforementioned telephone number shall be immediately transmitted to the Administrative Captain. No pagers or answering machines are permitted as call out/dispatch numbers.
- 8) *Twenty-four-hour service.* _____ shall maintain and be fully capable of providing Towing Services twenty-four hours/day, seven days/week.
- 9) *Availability.* _____ shall not accept a call/dispatch for Towing Services from a Rotation Log unless _____ has a wrecker and the necessary equipment immediately available to perform the services.
- 10) *Response with own wreckers.* _____ shall respond to all incidents or accident scenes with its own wrecker(s) and shall not send another Towing Company in response to a Rotation Log call/dispatch. Any wrecker responding to incidents or accident scenes must have the CITY's Non-Consent Tow Contract decal affixed to the wrecker in the lower right hand corner of the front windshield so that it can be easily viewed by the public and Department personnel.
- 11) *Assistance needed for tow.* If _____ is not capable to perform the required Towing Services or needs additional assistance, _____ may request, with the Department's approval, that another Towing Company from the appropriate Rotation Log be called/dispatched.
- 12) *Response while impaired prohibited.* _____ shall not respond to a dispatch under the influence of alcoholic beverages, controlled substances or otherwise impaired physically or mentally so as to be a danger to self or others, or incapable of performing Towing Services.
- 13) *Proficiency.* _____ shall provide drivers who are proficient and competent in the operation of such wrecker and the securing and movement of towed vehicles, and that are in compliance with the rules and regulations as provided by the Texas Department of Licensing and Regulation (TDLR) and any other State and/or Federal law that may apply to Towing Companies and Towing Services.
- 14) *Reflective wear required.* At all times, _____ shall wear reflective vests, coats or shirts as defined by Federal regulation 23-CFR-634 (ANSI/ISEA 107-2004) while on the scene of any incident or accident scene.

15) *Consent Tow Service.* In addition to the Non-Consent Tows, _____ may also be called upon by the CITY to conduct Consent Tows of municipal vehicles, vehicle seizures as directed by the Department, and towing and storage of vehicles needed for evidentiary purposes as directed by the Department.

16) All Towing Company vehicles dispatched to an incident or accident scene shall park at least one hundred feet (100') away in a safe position until instructed by the Department to begin the towing process.

17) _____ is required to immediately notify Washington County 9-1-1 when Consent Tow services are requested by an owner, operator, or person with possession custody, and control of a vehicle if _____ believes that a criminal act involving said vehicle may have occurred prior to receiving said request for a Consent Tow.

B. ROTATION LOGS

1) _____ shall promptly respond to a dispatched incident or accident scene with a wrecker within the time limits provided in Section VIII of this Contract. If _____ is not able to respond, it shall immediately notify Washington County 9-1-1. _____ will be passed over for that call and Washington County 9-1-1 will go to the next Towing Company on the applicable Rotation Log.

2) If _____ responds to a dispatch, but renders no Towing Services, the response will not be considered a turn on the applicable Rotation Log and _____'s position will not be forfeited. It is the Department's responsibility to notify Washington County 9-1-1 that no services were rendered.

3) _____ must arrive on scene with a wrecker within the time limits provided in Section VIII of this Contract. If _____ does not arrive on the scene on time or if the public health, safety and welfare necessitate more expeditious action, the Department reserves the right to request the services of the next Towing Company on the applicable Rotation Log for that turn. Any Towing Company that is late in responding to dispatches for Towing Services without an acceptable reason may be subject to penalties as provided herein.

4) _____ will provide the Department a copy of its annual inspection record(s) as completed by the Texas Department of Licensing and Regulation (TDLR) within thirty (30) calendar days after receipt.

- 5) When emergency conditions necessitate, the CITY reserves the right to request the services of the Towing Company who, in the CITY'S sole opinion, is best able to handle the situation and/or can reach the scene most expeditiously, regardless of that Towing Company's position on any Rotation Log. For the purposes of this subsection, the Department will make the determination that emergency conditions exist. If a call/dispatch is made under these circumstances, the Towing Company that would have otherwise been called/dispatched will not forfeit its respective position on the applicable Rotation Logs.
- 6) Upon written request and within ten (10) business days, Washington County 9-1-1 will provide Towing Companies with a monthly report of the rotation call-out activity.
- 7) The Department has the right to inspect any of _____'s equipment at any time to ascertain if it is being properly maintained and that all required equipment is in proper operating order.
- 8) _____ shall have their wrecker(s) and equipment inspected annually by the Department.
- 9) Participation in the Rotation Log system shall be considered personal to _____. Participation on any Rotation Log shall not constitute a property interest, but is rather a license.
- 10) _____ is permitted only a single position on each Rotation Log regardless of the number of wreckers owned by _____. If _____ is a parent entity or a subsidiary of another Towing Company, that Towing Company is not entitled to contract with the CITY for a position on any of the Rotation Logs.
- 11) If _____ is dispatched from any of the Rotation Logs and declines for any reason, _____ shall forfeit its next turn on the applicable Rotation Log.
- 12) If _____ is dispatched off the Motorist Assist Rotation Log and declines for any reason, _____ will forfeit its next turn on the Regular Rotation Log A (Impounded).

C. PENALTIES

- 1) Violation of any rule, regulation or provision of this Contract, depending on the nature or frequency of the violation(s), is cause for a written warning, suspension or removal of _____ from all Rotation Logs. The Department shall notify _____ in writing of a violation and the applicable penalty.
 - a. Upon receipt of notification of a violation, _____ may, within fifteen (15) days thereof, deliver a written request to the Department for a hearing to be held before the Wrecker Service Contract Review Board, hereinafter referred to as "Review Board." The Review Board shall consist of a representative from the Department, the Chief of Police, a City Council member appointed by the Mayor, and a representative from the local towing industry appointed by the City Manager. The City Manager shall also appoint an alternate representative from the local towing industry who shall serve in the event that there is a conflict of interest with the original representative. The receipt of a timely written request by the Department for a hearing shall stay the penalty pending final disposition unless it is determined by the Chief of Police that it would endanger public safety to allow _____ to continue on the Rotation Logs.
 - b. A hearing shall be held within fourteen (14) days upon receipt by CITY of a written request. The Department's representative shall notify _____, in writing, of the time, date, and place of the hearing. Written notification of said hearing must be postmarked at least five (5) business days before the date of the hearing. At such hearing, _____ shall be provided an opportunity to be heard. The Review Board may hear from CITY representatives and others who may have relevant information.
 - c. The Review Board shall render a decision in writing within three (3) business days from the date of the public hearing setting forth the reasons for its decision. The Review Board may affirm, modify, or overrule a finding or penalty issued by the Department.
- 2) After a suspension has been ordered, in order to be reinstated to the Rotation Logs after the period of suspension has elapsed, _____ must pay to the CITY a reinstatement fee of five hundred dollars (\$500.00). The Department may only reinstate a suspended Towing Company after it has been determined that the Towing Company is in compliance with all regulations and the terms of this Contract, and after the reinstatement fee has been paid.

- 3) If any violations of the regulations or provisions of this Contract are deemed by the CITY or the Department to be of such nature as to endanger public safety, the Department shall immediately suspend _____ from all Rotation Logs and then provide written notice pursuant to the provisions above.
- 4) Except as otherwise provided in this Contract, the following penalties shall be assessed for violations of this Contract and prior Non-Consent Tow Contracts with the CITY:

| | |
|---------------------------|---|
| First Violation: | Written Warning |
| Second Violation: | Forty-five Day Suspension |
| Third Violation : | One-Year Suspension |
| Fourth Violation : | Permanent Removal and Termination of Contract |

- 5) Penalties for violations involving failure to timely submit quarterly reports in accordance with Section XII(B)(1), failure to arrive on the scene of a dispatched call, charging in excess of the rates established herein or any infraction which jeopardizes the safety of the public, depending upon the severity thereof as determined by the Department, may result in a penalty in a higher class regardless of the number of prior violations up to and including permanent removal without following the above progressive penalty steps. There shall be no written warnings for violations described in this subsection and the minimum penalty for a violation described in this subsection shall be a forty-five (45) day suspension.
- 6) Except as otherwise provided in this Contract, the progressive penalty steps set forth in subsection V(C)(4) shall be used in determining the applicable penalty for violations committed by _____. In determining the penalty applicable to a violation about which _____ has been notified, violations that were committed more than twelve (12) months prior to the date of the violation under consideration shall not be included in calculating the number of violations committed by _____.
- 7) _____ will be immediately removed from all Rotation Logs and this Contract terminated if during the term of this Contract, _____ declines a cumulative total of eight (8) calls/dispatches on any and all of the Rotation Logs without prior notification to Washington County 9-1-1 that it is out of service.

SECTION VI. ASSIGNMENT AND SALE

A. ASSIGNMENT

- 1) The rights, duties, obligations, and privileges under this Contract, including but not limited to a position on any of the Rotation Logs, is non-transferable, and are exclusively granted to the undersigned. _____ may not sell, transfer, convey, or assign an ownership interest in _____'s business to a Towing Company that has had its position on the Rotation Logs suspended or terminated.

B. SALE

- 1) In the event that _____ sells, transfers, conveys, or assigns its business, the CITY must be given notice of the sale, transfer, conveyance, or assignment within thirty (30) days or this Contract may be terminated by the City. Delay in exercise of this termination option does not constitute a waiver.
- 2) If notice of a sale, transfer, conveyance, or assignment is properly given to the City, the new Towing Company may apply for reinstatement to the Rotation Logs before the end of the suspension period, but only if the sale, transfer, conveyance, or assignment was the result of a bona fide exchange of a majority of the assets of the business for a reasonable consideration. All documents demonstrating the same, including but not limited to the contract for sale and any filings with the Texas Secretary of State, must be provided to the Department's representative.

SECTION VII. AUTHORIZED PERSONS

_____ hereby agrees to provide Towing Services when requested by the Department on behalf of any CITY organization for the towing and storage of junked, abandoned, impounded and disabled vehicles as those terms are defined herein. Only response to requests for Towing Services received from Washington County 9-1-1 are authorized under this Contract and response to requests from any other source may subject _____ to penalties as provided in Section V of this Contract.

SECTION VIII. RESPONSE TIME

_____ agrees to respond promptly to any and all requests made by the Department through Washington County 9-1-1. In this section, "promptly" shall mean within twenty (20) minutes between the hours of 6:00 a.m. and 10:00 p.m. and thirty (30) minutes between the hours of 10:01 p.m. and 5:59 a.m. provided, however, if _____ notifies Washington County 9-1-1 of a delay not attributable to _____ (e.g. traffic near the scene, weather, etc.) and of a reasonable time of arrival on the scene, _____ may be allowed fifteen (15) additional minutes to arrive.

SECTION IX. EQUIPMENT AND PERSONNEL

_____ must own or lease adequate equipment and vehicles to perform all the requirements of this Contract. _____ shall provide experienced, trained, properly licensed, qualified, and trustworthy personnel to safely and expediently operate the equipment and vehicles in performing work under this Contract. _____ shall be responsible for and in sole control of the acts and omissions of said personnel.

SECTION X. SUPERVISORY RELEASE WITHOUT COST

_____ shall release any vehicle towed pursuant to this Contract without charge if requested to do so in writing by the Chief of Police or Department personnel with the rank of Captain.

SECTION XI. VEHICLE STORAGE FACILITY

A. STORAGE REQUIRED

- 1) _____ shall provide licensed storage facilities and a primary place of business within Washington County, Texas. The vehicle storage facility shall meet the requirements of state law and any applicable County regulations regarding vehicle storage facilities.
- 2) Towing Companies authorized to provide Heavy Towing Services, under this Contract, may have storage facilities and/or a primary place of business within an adjoining county to Washington County provided that the storage facility and/or primary place of business meet all the requirements of this Contract. Towing Companies with storage facilities in an adjoining county are required to charge fees as outlined in this Contract.
- 3) _____ shall meet all requirements of both State and Federal law regarding the towing and storage of vehicles carrying material classified as "Hazardous in Nature".

B. SECURITY

- 1) Every storage facility shall be adequately secured against theft and vandalism and have Security Fencing. _____ will be responsible for each vehicle and its contents while in its care, custody and control. The storage facility premises and office area must be kept clean and orderly. All vehicles in the storage facility shall be stored in such a manner that there exists a minimum of three feet (3') on the side of each vehicle to allow for access to the interior of the vehicle in order to check the vehicle's identification numbers.

C. ALTERNATIVE STORAGE

- 1) All vehicles towed by _____ pursuant to this Contract shall be taken to _____'s storage facility, unless the owner, operator, or person with possession, custody, and control of said vehicle authorizes in writing that the vehicle be taken to another location. It is sufficient that the other location is written on the _____ towing receipt or ticket at the scene. The location requested by an owner, operator, or person with possession, custody, and control of said vehicle **does not** constitute a Consent Tow; therefore, all charges will be applicable to a Non-Consent Tow pursuant to this Contract.

SECTION XII. RECORDS

A. RETENTION

- 1) _____ shall maintain during the term of this Contract, and for three (3) years following the expiration or termination of this Contract, complete and accurate copies of all books, records, receipts and tickets generated under or related to this Contract. _____ agrees to make its books and records, regarding the performance of this Contract, available to CITY'S duly authorized representatives at _____'s place of business during normal business hours for inspection, copying and auditing. Failure to maintain the records described above or to prevent access to the record will be a basis for termination of this Contract. Audits shall be performed by the CITY on an as needed basis solely determined by the CITY.

B. QUARTERLY REPORTS

- 1) _____ shall submit quarterly reports to the City Secretary for the City of Brenham, P.O. Box 1059 (200 W. Vulcan Street, Suite 206), Brenham, Texas 77834-1059. The reports must include a cover page and copies of all the invoices, and supporting documents, for non-consent tows from the preceding calendar quarter. The cover page shall contain the total amount of all fees charged pursuant to this Contract, the number of non-consent tows conducted pursuant to this Contract, the number of motorist assists performed pursuant to this Contract, and the number of vehicles towed pursuant to this Contract that remain unclaimed. These reports are due by January 10th, April 10th, July 10th and October 10th. If one or more quarterly reports are not timely or properly submitted to the City Secretary, such failure constitutes a violation of this Contract and the CITY may assess penalties against _____ as provided in Section V(C).

SECTION XIII. NOTICES AND AUCTION

Vehicles which are left at _____'s storage facility for more than ten (10) days after notice was sent by registered or certified mail, return receipt requested, to the owner to pick up the vehicle in accordance with Subchapter C of Chapter 683, Texas Transportation Code, shall be disposed of according to the provisions of such statute, as amended. _____ shall dispose of junked vehicles according to state law and shall retain the proceeds of such disposal as provided by law.

SECTION XIV. CITY EXEMPT

CITY shall never be held responsible for any wrecker or towing fees, storage fees or any other charges for non-consent tows requested by the Department and incurred as a result of this Contract. _____'s sole source of revenue and recourse for services performed under this Contract, in every case, shall be from and against title owner or operator of vehicles or a third party in privity with those. An exception exists if the Department request towing services for evidentiary purposes under Article 18.23 of the Texas Code of Criminal Procedure.

_____ may charge the CITY a one-time fee of one hundred dollars (\$100.00), per investigation, for Regular Tows requested by the Department in order to properly secure a vehicle for evidentiary purposes as authorized under Article 18.23 of the Texas Code of Criminal Procedure.

_____ may charge the CITY a one-time fee of one hundred, fifty dollars (\$150.00), per investigation, for Medium or Heavy Tows requested by the Department to properly secure a vehicle for evidentiary purposes as authorized under Article 18.23 of the Texas Code of Criminal Procedure.

_____ may charge the CITY no more than one hundred dollars (\$100.00) per occurrence for Regular Tows and storage of any CITY owned vehicle.

_____ may charge the CITY no more than one hundred, fifty dollars (\$150.00) per occurrence for Medium or Heavy Tows and of any CITY owned vehicle.

SECTION XV. INDEMNITY

_____, INCLUDING ITS OWNERS, OFFICERS, PARTNERS, MANAGERS, HEIRS, ASSIGNS, AND SUCCESSORS, AGREES TO HOLD CITY HARMLESS FROM AND INDEMNIFY THE CITY, ITS OFFICERS, ELECTED OFFICIALS, EMPLOYEES, VOLUNTEERS, AGENTS, AND REPRESENTATIVES AGAINST ANY AND ALL CLAIMS, DEMANDS, SUITS, DAMAGES, COSTS, ATTORNEY'S FEES, AND INTEREST, RELATING TO ANY AND ALL PERSONAL INJURIES, DEATHS, AND/OR PROPERTY DAMAGE BY WHOMSOEVER SUFFERED, ARISING OUT OF, RESULTING FROM, OR IN ANY MANNER CONNECTED WITH ANY ACT OR OMISSION BY _____, ITS OWNERS, PARTNERS, MANAGERS, AGENTS, EMPLOYEES, REPRESENTATIVES, CONTRACTORS, WORKMEN, AND OTHER PERSONS USED BY IT OR OTHERWISE UNDER ITS DIRECTION IN THE PERFORMANCE OF ITS OBLIGATIONS UNDER THIS CONTRACT.

SECTION XVI. FEES

_____ shall neither charge nor attempt to collect any other fees or charges of any kind or character for the towing, waiting, debris removal, storage, security, or release of any vehicles except those fees authorized by this Contract. Any additional services and their associated fees specifically authorized in writing by the scene commander or the on-scene supervisor will be considered as authorized fees. Storage charges shall cease when a properly completed request for release is made.

All DEPARTMENT initiated requests for Towing Services shall be considered Non-Consent tows pursuant to the terms of this Contract. The signature of an owner, operator, or person with possession, custody, and control of said vehicle on any documents or forms provided by _____ does not constitute said tow as a Consent Tow.

The following are the maximum fees _____ can charge for any vehicle or service under this Contract:

| Permissible Charges | Regular Tow (0 – 9,999 lbs.) | Medium Tow (10,000 - 25,000 lbs.) | Heavy Tow (Above 25,00 lbs) | Notes |
|----------------------------|---|---|--|---|
| Towing | \$175.00 – first hour on scene, per unit | \$225.00 – first hour on scene, per unit | \$500.00 – first hour on scene, per unit | Unit is defined as the registered vehicle (car, truck, trailer, etc.) |
| Additional time on scene | \$50.00 – per 30 minutes, per wrecker in excess of the first hour | \$75.00 – per 30 minutes, per wrecker in excess of the first hour | \$175.00 – per 30 minutes, per wrecker in excess of the first hour | Time is calculated as defined for “Time at Scene”. This does not include the time traveling to and from the scene. At every accident, and/or their employees must pick up glass, metal, plastic debris and properly dispose of such at storage facility. |
| Winching | \$100.00 – flat fee per wrecker | \$175.00 – flat fee per wrecker | See separate fee schedule for Heavy Tows | Winching charges apply to off road recoveries only. This fee may not be charged to pull apart vehicles involved in an incident or accident. |
| Up-righting | \$50.00 flat fee | \$200.00 flat fee | See separate fee schedule for Heavy Tows | Any additional equipment/charges/personnel must have been utilized at scene with prior approval from the Department. |
| Additional wrecker fee | \$100.00 per wrecker utilized at scene | \$150.00 per wrecker utilized at scene | See separate fee schedule for Heavy Tows | Any additional equipment/charges/personnel must have been utilized at scene with prior approval from the Department. |

| | | | | |
|--|---|---|---|---|
| Additional Truck and Trailer for clean-up | \$75.00 – per wrecker utilized at scene | \$75.00 per wrecker utilized at scene | See separate fee schedule for Heavy Tows | Any additional equipment/charges/personnel must have been utilized at scene with prior approval from the Department. |
| Storage Fee | Not to exceed State allowable | Not to exceed State allowable. | Not to exceed State allowable. | Shall not charge in excess of one day's storage for a vehicle, which remains in storage less than twelve (12) hours notwithstanding the passage of midnight. Also, does not apply to additional wreckers or additional truck and trailer. |
| Mileage Fee <i>A mileage fee may only be charged in special circumstances such as a pursuit</i> | \$4.00 per mile <i>Initiated in Brenham and stops in Chappell Hill, mileage may then be charged from</i> | \$5.00 per mile <i>The city limits of Brenham to the location where the pursuit ended,</i> | \$7.00 per mile <i>And then the mileage back to the city limits.</i> | Starts and ends at City limit line (outbound and inbound). There is no mileage allowance for a point-to-point tow within the City. |
| Impoundment Fee | Not to exceed State allowable | Not to exceed State allowable | Not to exceed State allowable | |
| Certified Letter Fee | Not to exceed State allowable | Not to exceed State allowable | Not to exceed State allowable | |
| Motorist Assist | Not more than \$65.00 flat fee | Not more than \$75.00 flat fee | Not more than \$125.00 flat fee | Motorist Assist fees will be waived if towing services are required. |
| Extra Person | \$35.00 per 30 minutes | \$35.00 – per 30 minutes | See separate fee schedule for Heavy Tows. | Any additional equipment/charges/personnel must have been utilized at scene with prior approval from the Department. Also, does not apply to additional wreckers or additional truck and trailer. |

| | | | | |
|---------------------------------|--------------------|---------------------|---|--|
| Tractor/Forklift/Skid Steer Fee | \$150.00 flat fee | \$350.00 – flat fee | See separate fee schedule for Heavy Tows. | Any additional equipment/charges/personnel must have been utilized at scene with prior approval from the Department. |
| Tie-up Axle | N/A | \$100.00 – flat fee | N/A | Any additional equipment/charges/personnel must have been utilized at scene with prior approval from the Department. |
| Inclement Weather | \$25.00 - flat fee | \$25.00 – flat fee | See separate fee schedule for Heavy Tows | Approved by the Department |
| Holidays | \$25.00 – flat fee | \$25.00 – flat fee | *See separate fee schedule for Heavy Tows | Approved by the Department |

| Fees for Heavy Tows and Recoveries | Price Per Pound | Empty | Loaded |
|---|------------------------|--|-----------------|
| Contained Recovery/Winching | 2.5 cents | Registered gross weight of the vehicle | Manifest weight |
| Salvage/Debris Recovery | 3 cents | N/A | Manifest weight |
| Inclement Weather (as approved by the Department) | 1 cent | Registered gross weight of the vehicle | Manifest weight |
| Holidays | 1 cent | Registered gross weight of the vehicle | Manifest weight |
| Rollover/Up-righting | 2.5 cents | Registered gross weight of the vehicle | Manifest weight |
| Embankment or inclines | 1 cent | Registered gross weight of the vehicle | Manifest weight |
| Back door open – unloading | 2.5 cents | Registered gross weight of the vehicle | Manifest weight |
| Suspension Damage | 4 cents | Registered gross weight of the vehicle | Manifest weight |

Fees for additional trucks or drivers may only be charged if approval for additional truck or driver is obtained, in advance, by the Department. The term “loaded trailer” includes flatbeds, van trailers, and oversized loads put on axles. The determination of whether a trailer is a “loaded trailer” will be made by the Department.

SECTION XVII. INQUIRIES

On all bills, invoices, receipts, tickets, etc. issued by _____ for services rendered under this Contract, _____ shall notify customers of the fees specified in Section XVI of this Contract and, the mailing address for the Department's Administrative Captain, P.O. Box 682, Brenham, TX 77834 and telephone number (979) 337 – 7327 for purpose of directing questions regarding fees or services.

_____ shall give customers an itemized receipt that reflects the services and fees as specified above. This notice must be pre-printed on the forms used by _____ or a legible sticker or rubber stamp may be used to convey the required information. The required information must be in Times New Roman font of not less than ten (10) points. A notice containing this same information shall also be posted on a sign prominently displayed to the public at the place of payment, in letters at least one inch high, with a contrasting background. This sign shall be posted within fifteen (15) days after Contract is signed.

SECTION XVIII. LEGAL COMPLIANCE

_____ shall comply with all provisions of Federal and Texas laws and regulations (specifically including but not limited to, Title 43 Part 1 Chapter 18 Subchapter G "Vehicle Storage Facilities" of the Texas Administrative Code and Chapters 2303 and 2308 of the Texas Occupations Code), the applicable provisions of the Brenham Code of Ordinances, and all other laws and regulations regarding the licensing and registration of tow vehicles. Additionally, when removing a wrecked or damaged vehicle from a street or public right-of-way _____ must pick up and remove broken glass and debris from the street or public right-of-way and properly dispose of it at the storage facility. Failure to comply with this paragraph is grounds for a penalty in accordance with Section V of this Contract.

SECTION XIX. COMPLAINTS AND OVERCHARGES

Complaints concerning _____'s performance of this Contract received by the CITY shall be forwarded to and promptly investigated by _____ and a satisfactory written explanation made to CITY within five (5) business days of the time _____ is notified verbally and/or in writing of the complaint by the CITY. _____ agrees to promptly and without delay take whatever action is necessary to correct any and all complaints. _____'s failure to timely investigate or to promptly correct errors, overcharges or complaints shall constitute a breach of this Contract and authorize CITY to penalize _____ as provided in Section V of this Contract. Overcharges for towing or storage or both shall be promptly refunded. When a complaint is initiated, all charges will stop, until such time as the complaint has been resolved in writing and signed by all parties involved. All complaints by the public, or other Towing Companies, must be received in writing by the CITY. Oral complaints will not be acted upon in any way. A complaint form will be provided by the CITY.

SECTION XX. VEHICLE RELEASE

_____ shall release vehicles in its custody twenty-four (24) hours per day. Vehicles must be released within one (1) hour of a request. _____ shall release personal property during normal business hours free of charge.

SECTION XXI. POLICE HOLD

_____ must provide a uniquely numbered receipt (a card stub) to the CITY on impounded vehicles that describes the vehicle to be impounded and designates whether or not there is a police hold on the vehicle. Before releasing a vehicle with a police hold marked on the stub GOODMAN WRECER will ensure that any law enforcement hold has been canceled. Holds may only be placed by a Department officer with the rank of Sergeant or above and must be in writing. The CITY is not responsible for additional storage fees that are the result of an improperly placed law enforcement hold.

SECTION XXII. INSURANCE

_____ shall provide insurance coverage in amounts that are at minimum in compliance with State and Federal law, prior to the execution of this Contract and maintain such coverage, without interruption for the full term of this Contract. All policies shall be issued by an insurer with a Best Rating of B+ or better, authorized to write such coverage in Texas. A certificate of insurance must be filed with the City Secretary of the CITY prior to the execution of this Contract. The policy must list the City of Brenham as an "additional insured" and require the company to give CITY forty-five (45) days advance notice of non-renewal, cancellation or other material changes by the carrier.

SECTION XXIII. SAVINGS

In case of any one or more of the provisions contained in this Contract shall for any reason be held to be invalid, illegal, or unenforceable, in any respect, such invalidity, illegality or unenforceability shall not affect any other provision thereof, and this Contract shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

SECTION XXIV. TERMINATION

Either party shall have the right to terminate this Contract, without cause, upon thirty (30) days written notice.

SECTION XXV. NOTICES

Notices required by this Contract shall be deemed delivered upon the earlier of: 1) three (3) days after the notice is deposited in the U.S. mail properly addressed and with sufficient postage; or 2) upon actual receipt by the party to whom notice is sent. All notices required hereunder shall be delivered by a commercial carrier/delivery service or mailed by certified or registered U.S. mail, return receipt requested, as follows:

CITY OF BRENHAM:

City Secretary
City of Brenham
P.O. Box 1059
200 W. Vulcan Street, Suite 206
Brenham TX 77834-1059

TOWING COMPANY:

Company Name: _____
Attn: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Telephone: _____ Cellular: _____
Fax: _____ E-Mail: _____

SECTION XXVI. WAIVER OR AMENDMENT AND ESTOPPEL

Waiver, alternation, or modification of any of the provisions of this Contract shall not be binding unless such waiver, alteration, or modification is in writing and signed by an authorized representative of the parties. Failure by either party to enforce a breach of this Contract on one or more occasions shall not constitute a waiver of further breaches or estoppel enforcement on the subsequent occasions. The terms of this Contract are exclusively applicable to _____ and the CITY and it is the intent of the parties that no third parties are intended beneficiaries of this Contract.

SECTION XXVII. INDEPENDENT CONTRACTOR

The parties intend that the relationship created between them by this Contract shall be that of CITY and independent contractor. No owner, agent, employee, or sub-operator of _____ shall be or shall be deemed to be the employee, agent or servant of CITY. CITY is interested only in the results obtained under this Contract. The manner and means of conducting the work are under the sole control of _____. None of the benefits provided by CITY to its employees, including, but not limited to compensation insurance, hospitalization insurance, or unemployment insurance are available from CITY to the employees, agents, servants or sub-operators of _____.

SECTION XXVIII. SECTION TITLES

The titles for each section are for convenience only and are non-substantive, and do not expand or limit the text of the section.

SECTION XXIX. GOVERNING LAW

The validity and interpretation of any of the terms and provisions of this Contract or of the rights and duties of the parties hereunder shall be governed by the laws of the State of Texas. Any action arising out of this Contract shall be filed in any appropriate Court having jurisdiction in Washington County, Texas.

Executed on this the _____ day of _____, 20_____.

CITY OF BRENHAM

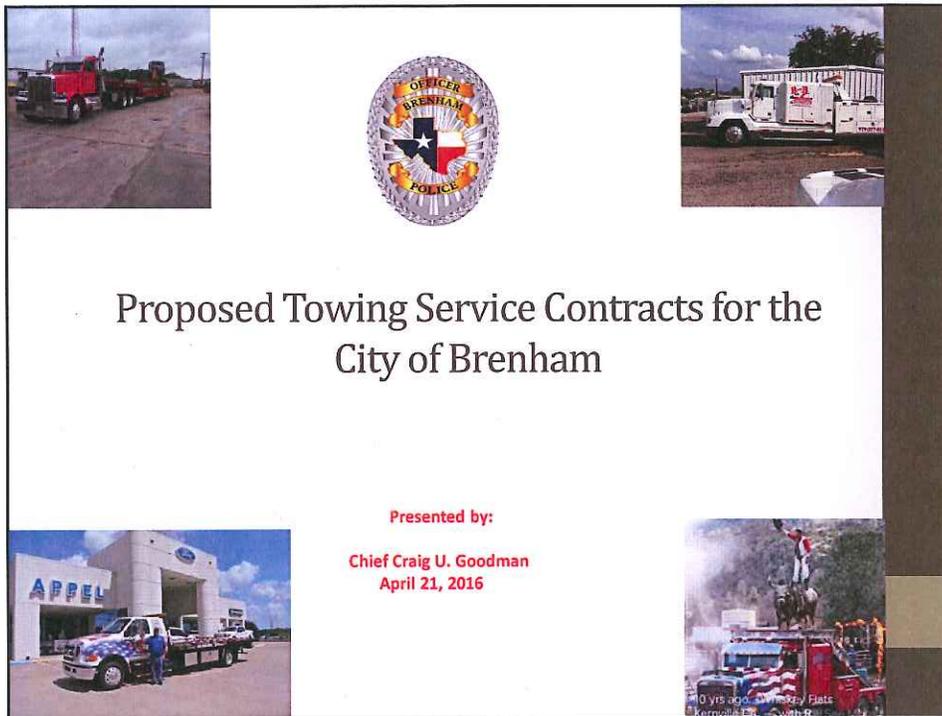
—

Terry K. Roberts
City Manager

Title: _____

ATTEST:

Jeana Bellinger, TRMC
City Secretary



Proposed Towing Service Contracts for the City of Brenham

Presented by:
Chief Craig U. Goodman
April 21, 2016



Committee members:

City members:

- Keith Herring
- Jeana Bellinger
- Cary Bovey
- Lloyd Powell
- Craig Goodman

County members:

- Luther Hueske
- Renee Mueller
- Otto Hanak

Proposed fees and contract date:

- Regular Tow - \$250.00
- Medium Tow - \$250.00
- Heavy Tow - \$250.00

- =====
- Fees paid annually to the city
 - If this contract is approved, fees will be prorated for the remainder of this calendar year

Calendar year: **January 1 – December 31**

New Requirement:

All approved towing vehicles are required to display a decal provided by the city in the lower right hand corner of the front windshield so that it can be easily viewed by the public and Department personnel.



Definitions:

- **"Abandoned Vehicle"**, means a motor vehicle as defined in Section 683.002, Texas Transportation Code. An **"Abandoned Vehicle"** tow requests shall occur during **"Normal Business Hours"** unless requested by the Department due to a hazardous condition
- **"Holiday(s)"** – mean New Year's Day, Easter Sunday, Fourth of July, Veteran's Day, Thanksgiving Day and Christmas Day.
- **"Inclement weather"** – means unpleasant or harsh weather which creates unsafe or hazardous conditions, including but not limited to freezing conditions, ice, snow, sleet, heavy rain, hail, lightning, tornados, and/or high winds. **All determinations regarding whether "inclement weather" conditions exist shall be made by the Department, in its sole discretion.**

Definitions:

- **"Junked Vehicle"** means a motor vehicle as defined in Section 683.071, Texas Transportation Code. **Junked Vehicles** are considered **Non-Consent Tows** and shall be removed during **"Normal Business Hours"** unless specifically requested by the Department due to a hazardous condition.
- **"Recovery"** means the removal or towing of any vehicle(s) involved in an incident or accident.
- **"Tow"** means the removal of any vehicle(s) that was not involved in an incident or accident.

Rotation Logs:

- **Rotation Log A** will be used for "Regular Tow" services in regard to impounded and disabled vehicles as hereinafter provided.
- **Rotation Log B** will be used for "Regular Tow" services in regard to abandoned vehicles, junked vehicles and motorist assist calls.
- **Rotation Log C** will be used for all towing services involving "Medium Tows".
- **Rotation Log D** will be used for all towing services involving "Heavy Tows".

Penalties:

| | |
|---------------------------|---|
| First Violation: | Written Warning |
| Second Violation: | Forty-five Day Suspension |
| Third Violation : | One-Year Suspension |
| Fourth Violation : | Permanent Removal and Termination of Contract |

Penalties:

Penalties for violations involving failure to timely submit quarterly reports in accordance with Section XII(B)(1), failure to arrive on the scene of a dispatched call, charging in excess of the rates established herein or any infraction which jeopardizes the safety of the public, depending upon the severity thereof as determined by the Department, **may result in a penalty in a higher class regardless of the number of prior violations up to and including permanent removal without following the above progressive penalty steps.** There shall be no written warnings for violations described in this subsection and the minimum penalty for a violation described in this subsection shall be a forty-five (45) day suspension.

Penalties:

Except as otherwise provided in this Contract, the progressive penalty steps set forth in subsection V(C)(4) shall be used in determining the applicable penalty for violations committed by GOODMAN WRECKER. In determining the penalty applicable to a violation about which GOODMAN WRECKER has been notified, **violations that were committed more than twelve (12) months prior to the date of the violation under consideration shall not be included in calculating the number of violations committed by GOODMAN WRECKER.**

Penalties:

After a suspension has been ordered, in order to be reinstated to the Rotation Logs after the period of suspension has elapsed, GOODMAN WRECKER must pay to the CITY a reinstatement fee of **five hundred dollars (\$500.00)**. The Department may only reinstate a suspended Towing Company after it has been determined that the Towing Company is in compliance with all regulations and the terms of this Contract, and after the reinstatement fee has been paid.

Proposed fees:

- GOODMAN WRECKER may charge CITY no more than **one hundred dollars (\$100.00)** per occurrence for Regular Tows and storage of any CITY owned vehicles or for the towing and storage of vehicles impounded by the DEPARTMENT for evidentiary purposes under Article 18.23 of the Texas Code of Criminal Procedure.
- GOODMAN WRECKER may charge the CITY no more than **one hundred, fifty dollars (\$150.00)** per occurrence for Medium or Heavy Tows and of any CITY owned vehicles or for the towing and storage of vehicles impounded by the DEPARTMENT for evidentiary purposes under Article 18.23 of the Texas Code of Criminal Procedure.

Proposed fees:

- GOODMAN WRECKER may charge the CITY a one-time fee of one hundred dollars (\$100.00), per investigation, for Regular Tows requested by the Department in order to properly secure a vehicle for evidentiary purposes as authorized under Article 18.23 of the Texas Code of Criminal Procedure.
-
- GOODMAN WRECKER may charge the CITY a one-time fee of one hundred, fifty dollars (\$150.00), per investigation, for Medium or Heavy Tows requested by the Department to properly secure a vehicle for evidentiary purposes as authorized under Article 18.23 of the Texas Code of Criminal Procedure.

Proposed fees:

- Regular Tow - \$175.00 for the first hour on scene, per unit
- Medium Tow - \$225.00 for the first hour on scene, per unit
- Heavy Tow - \$500.00 for the first hour on scene, per unit
- Unit is defined as the registered vehicle (car, truck, trailer, etc.)
- Time is calculated as defined for "Time at Scene". This does not include the time traveling to and from the scene. At every accident, GOODMAN WRECKER and/or their employees must pick up glass, metal, plastic debris and properly dispose of such at storage facility.

Proposed fees:

- Regular Tow winching - \$100.00 flat fee per wrecker
- Medium Tow winching - \$175.00 flat fee per wrecker
- Applies to off roadway recoveries and this fee may not be charged to pull apart vehicles involved in an incident or accident.



May not charge to separate vehicles



Proposed fees:

- Regular Tow Up-righting - \$50.00 flat fee
- Medium Tow –Up-righting – 200.00 flat fee
- Additional Wrecker Regular Tow Fee - \$100.00 per wrecker utilized at scene
- Additional Wrecker Medium Tow Fee - \$150.00 per wrecker utilized at scene
- Any additional equipment/charges/personnel must have been utilized at scene with prior approval from the department.



Proposed fees:

- **Additional Truck and Trailer for clean-up:**
 - Regular Tow - \$75.00 per wrecker utilized at scene
 - Medium Tow - \$75.00 per wrecker utilized at scene
- **Any additional equipment/charges/personnel must have been utilized at scene with prior approval from the department.**

Proposed fees:

Mileage Fee:

- Regular Tow - \$4.00 per mile
- Medium Tow - \$5.00 per mile
- Heavy Tow - \$7.00 per mile
- **Starts and ends at City limit line (outbound and inbound). There is no mileage allowance for a point-to-point tow within the city.**
- **A mileage fee may only be charged in special circumstances such as a pursuit initiated in Brenham and stops in Chappell Hill, mileage may then be charged from the city limits of Brenham to the location where the pursuit ended, and then the mileage back to the city limits.**

Proposed fees:

- Storage Fee
- Impoundment Fee
- Certified Letter

Not to exceed State allowable

Proposed fees:

Motorist Assist:

- Regular Tow - \$65.00 flat fee
- Medium Tow - \$75.00 flat fee
- Heavy Tow - \$125.00



Proposed fees:

Extra Person:

- Regular Tow - \$35.00 per 30 minutes
- Medium Tow - \$35.00 per 30 minutes

➤ Any additional equipment/charges/personnel must have been utilized at scene with prior approval from the Department. Also, does not apply to additional wreckers or additional truck and trailer.

Proposed fee:

Holiday pay:

- Regular Tow - \$25.00 flat fee
- Medium Tow - \$25.00 flat fee

Inclement weather:

- Regular Tow - \$25.00 flat fee
- Medium Tow - \$25.00 flat fee

Tractor/Forklift/Skid Steer Fee:

- Regular Tow - 150.00 flat fee
- Medium Tow - \$350.00 flat fee

Tie-up Axle:

- Regular Tow - N/A
- Medium Tow - \$100.00 flat fee

Fees for Heavy Tow Accidents and Recoveries:

| Fees for Heavy Tow Accidents and Recoveries | Price Per Pound | Empty | Loaded |
|---|-----------------|--|-----------------|
| Contained Recovery/Winching | 2.5 cents | Registered gross weight of the vehicle | Manifest weight |
| Salvage/Debris Recovery | 3 cents | N/A | Manifest weight |
| Inclement Weather (as approved by the Department) | 1 cent | Registered gross weight of the vehicle | Manifest weight |
| Holidays | 1 cent | Registered gross weight of the vehicle | Manifest weight |
| Rollover/Up-righting | 2.5 cents | Registered gross weight of the vehicle | Manifest weight |
| Embankment or inclines | 1 cent | Registered gross weight of the vehicle | Manifest weight |
| Back door open – unloading | 2.5 cents | Registered gross weight of the vehicle | Manifest weight |
| Suspension Damage | 4 cents | Registered gross weight of the vehicle | Manifest weight |

Heavy Tow/Recovery



Sample billing from the photo above:

A. Tractor:

| | |
|--------------|---------------------------|
| Uprighting - | .025 x 6000 lbs. = 150.00 |
| Winching - | .025 x 6000 lbs. = 150.00 |
| Towing - | flat fee = 500.00 |

B. Trailer:

| | |
|--------------|---------------------------|
| Uprighting - | .025 x 4000 lbs. = 100.00 |
| Towing - | flat fee = 500.00 |
| Winching - | .025 x 4000 lbs. = 100.00 |

| | |
|-------------------|-------------------------|
| C. Debris: | .03 x 2000 lbs. = 60.00 |
|-------------------|-------------------------|

D. Rollback Truck:

| | |
|--------------|-----------------------------|
| Uprighting - | .025 x 25,000 lbs. = 625.00 |
| Towing - | flat fee = 500.00 |

Extra Person(s) – (3) subjects for 3 hours = 630.00

Total: \$3,315.00

Back door open example:



Front suspension example:



Any Questions?



AGENDA ITEM 19

| | | |
|--|---|--|
| DATE OF MEETING: April 21, 2016 | DATE SUBMITTED: April 13, 2016 | |
| DEPT. OF ORIGIN: Administration | SUBMITTED BY: Kacey Weiss | |
| MEETING TYPE: | CLASSIFICATION: | ORDINANCE: |
| <input checked="" type="checkbox"/> REGULAR | <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> 1 ST READING |
| <input type="checkbox"/> SPECIAL | <input type="checkbox"/> CONSENT | <input type="checkbox"/> 2 ND READING |
| <input type="checkbox"/> EXECUTIVE SESSION | <input checked="" type="checkbox"/> REGULAR | <input type="checkbox"/> RESOLUTION |
| | <input type="checkbox"/> WORK SESSION | |
| AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon a Request for a Noise Variance from Shawna Wills for a Graduation Dinner at 705 E. Sixth Street to be Held on Saturday, May 7, 2016 from 3:00 p.m. – 10:00 p.m. and Authorize the Mayor to Execute Any Necessary Documentation | | |
| SUMMARY STATEMENT: Shawna Wills is requesting a Noise Variance for a graduation dinner at 705 E. Sixth Street on May 7, 2016 from 3:00 p.m – 10:00 p.m. They will have a DJ using speakers, which requires a Noise Variance. The Brenham Police Department and the Brenham Fire Department have approved the noise variance request; therefore, I ask the City Council to approve the noise variance request. | | |
| STAFF ANALYSIS (For Ordinances or Regular Agenda Items): | | |
| A. PROS: | | |
| B. CONS: | | |
| ALTERNATIVES (In Suggested Order of Staff Preference): | | |
| ATTACHMENTS: (1) Noise Variance Request form | | |
| FUNDING SOURCE (Where Applicable): | | |
| RECOMMENDED ACTION: Approve a request for a noise variance from Shawna Wills for a graduation dinner at 705 E. Sixth Street to be held on Saturday, May 7, 2016 from 3:00 p.m. – 10:00 p.m and authorize the Mayor to execute any necessary documentation | | |
| APPROVALS: Terry K. Roberts | | |

Graduation Dinner 2016

NOISE VARIANCE REQUEST

Application Fee \$10.00

paid 04/04/16 kw
paid cash \$10.00

1. Name of sponsoring organization: Shawna Wills

2. Name and address of individual making application on behalf of sponsoring organization: 705 E. Sixth Street

3. Purpose of the Event: Graduation Dinner

4. Location of Event: 705 E. Sixth Street

5. Date of the event: May 7, 2016

6. Time of Event: 3pm - 10pm

7. Event Set-up: From: 4 May 6, 2016 To: 4 May 7, 2016

Event Clean-up: From: 4 May 7, 2016 To: 4 May 8, 2016

8. You are required to describe the following:

a) Types of Activities Planned and any additional information specific to this event: _____

Bar-B-Que, DJ, Tables, Chairs, Tent, Rented a 8x8 stage, Porta Potty

b) Bands/Musical Instruments: Speakers & Laptop to DJ

c) Sound amplification equipment: _____

d) Cleanup provisions: Start cleaning up on 4 May 7, 2016 thru 4 May 8, 2016

Shawna Wills
Name of Applicant (Printed or Typed)

Date: April 4, 2016

Phone: 979 530-7121

Applicant or Authorized Person's Signature

Have you ever been found guilty of a criminal offense involving crimes against property, moral turpitude, and/or a felony by any Court? Yes No. If "Yes", please identify the offense, State of conviction and penalty imposed (attach additional sheets if necessary):



AGENDA ITEM 21

| | | | |
|---|--|---|--|
| DATE OF MEETING: April 21, 2016 | | DATE SUBMITTED: April 15, 2016 | |
| DEPT. OF ORIGIN: Administration | | SUBMITTED BY: Terry K. Roberts | |
| MEETING TYPE: | | CLASSIFICATION: | |
| <input type="checkbox"/> REGULAR | | <input type="checkbox"/> PUBLIC HEARING | |
| <input type="checkbox"/> SPECIAL | | <input type="checkbox"/> CONSENT | |
| <input checked="" type="checkbox"/> EXECUTIVE SESSION | | <input checked="" type="checkbox"/> REGULAR | |
| | | <input type="checkbox"/> WORK SESSION | |
| ORDINANCE: | | | |
| <input type="checkbox"/> 1 ST READING | | | |
| <input type="checkbox"/> 2 ND READING | | | |
| <input type="checkbox"/> RESOLUTION | | | |
| AGENDA ITEM DESCRIPTION: Section 551.072 – Texas Government Code – Deliberation Regarding Real Property – Deliberation Regarding Saeger Street Right-Of-Way, Its Value, Possible Development and Associated Issues | | | |
| SUMMARY STATEMENT: To be discussed in Executive Session. | | | |
| STAFF ANALYSIS (For Ordinances or Regular Agenda Items): | | | |
| A. PROS: | | | |
| B. CONS: | | | |
| ALTERNATIVES (In Suggested Order of Staff Preference): | | | |
| ATTACHMENTS: None | | | |
| FUNDING SOURCE (Where Applicable): | | | |
| RECOMMENDED ACTION: | | | |
| APPROVALS: Milton Y. Tate, Jr. | | | |